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THE POWERS AND DUTIES OF EDUCATION AUTHORITIES

THE POWERS AND DUTIES

OF

EDUCATION AUTHORITIES

WITH THE TEXT OF THE

EDUCATION (ENGLAND) ACTS, 1870-1918

BY

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PREFATORY NOTE

THIS book is primarily intended for the numerous class of those who devote themselves to the cause of Education, as members of Education Authorities, Managers of Schools, Teachers, or Officials.

The Author, as a member of the London Education Committee, has himself felt the need for a convenient guide to the various provisions dealing with Education. This need has been greatly accentuated by the passing of the recent Education Act and the great extension it has given to the scope of public Education. In the immediate future every Education Committee and Council will have to prepare a complete scheme for the development of the educational resources of their areas, and it is essential that those who take part in the preparation or discussion of those schemes should be conversant with the Law affecting Education.

This Law consists of a number of Acts of Parliament, many of which have been amended or partially repealed by later Acts, and the necessarily voluminous regulations of the Board of Education, which have practically statutory force. In the body of this book is given the substance of these ordinances as they affect the different departments of Education, while the Appendix contains the Education Acts in full as they stand to-day.

The Law is stated as it will be when the 1918 Act

is in full force, but a note has been made as to those sections which had not come into force on the 1st October 1919.

Although no express reference has been made to cases, the substance of all important decisions has been incorporated in the Text and Notes.

H. F. M.

11 King's Bench Walk,
Temple, London,
October 1919.

CONTENTS

PAGE

CONTENTS OF APPENDIX, ... xv.

TABLE OF ABBREVIATED REFERENCES TO STATUTES AND DEFINITIONS, ... xvi.

I. BOARD OF EDUCATION.

Board, ... 1
Officers, ... 1
Expenses, ... 1
Powers, ... 1
Report and publications, . . . 2
Teachers, ... 2
Inspection, ... 2
Power of the Board over other education authorities, ... 2

II. OTHER CENTRAL AUTHORITIES.

The Home Office, ... 4
Local Government Board, . . . 4
Ministry of Health, ... 4
Board of Agriculture and Fisheries, . . 4
Treasury, ... 5
Consultative Committee, . . . 5
Register of teachers, ... 5
Charity Commissioners, ... 5

III. LOCAL EDUCATION AUTHORITIES.

Local education authorities, . . . 5
Education Committee, ... 6
Co-operation and delegation, . . . 6
Qualifications of members, . . . 7
Managers and governing bodies, . . 8

PAGE

Local Education Authorities—*continued.*

Procedure, ... 8
General powers of local education authorities, ... 9
Contracts, ... 9
Acquisition, use, and sale of land, . . 10
Use and disposal of lands, ... 13
Endowments, ... 14
Liability of local education authorities, . 14
Provided schools, ... 14
Non-provided schools, ... 15
Other cases, ... 15
Remedies against authorities, etc., . 16

IV. Educational Schemes.

Schemes under the 1918 Act, . . . 16

V. Elementary Education.

Authority, ... 19
Definition, ... 20
Compulsory provisions, ... 20
Duty of parents, ... 22
Provision of schools, ... 23
New schools, ... 24
Unnecessary schools, ... 25
Maintenance of schools, ... 25
Provided schools, ... 25
Non-provided schools, . . . 25
Public elementary schools, . . . 26
Marine schools and schools attached to institutions, ... 27
Managers, ... 27
General, ... 27
Provided schools, ... 28
Non-provided schools, . . . 28
Grouping of schools, ... 30
Distribution of children, ... 31
Requirements of the Board, . . . 31
Curriculum, ... 31

PAGE

Elementary Education—*continued.*

Head teachers, ... 32
Staff, ... 33
Teachers, ... 33
Premises and equipment, . . . 34
Attendance, ... 34
Recognition and grants, . . . 35

VI. Continuation Schools and Classes, . . 35

VII. Higher Education, ... 38
Authority, ... 38
Definition, ... 38
Powers and duties of authorities, . . 39
Continuation classes, ... 39
Secondary schools, ... 40
University education, ... 40
Technical institutes, Polytechnics, . . 40
Junior technical schools, art courses, etc., . 40
Research, ... 40
Secondary schools, ... 40
Definition, ... 40
Curriculum, ... 41
Age and period of instruction, . . 41
Terms, ... 41
Teaching staff, ... 41
Fees and free admissions, . . . 41
Management, ... 42
Other requirements, . . . 42
Requirements waived, . . . 42
Recognition, ... 43
List of efficient schools, . . . 43
Advanced courses, ... 43
Regulations for other institutions, . . 44
Junior technical schools, . . . 44
Technical institutions, . . . 44
Evening schools, ... 44
Schools of art and art classes, . . 45
University tutorial classes, . . 45

PAGE

VIII. AUXILIARY POWERS, ... 45

Education of children in exceptional circumstances, ... 46
Conveyance to and from school, . . 46
Social and physical training, . . . 46
Provision of meals, ... 46
Supplying and training of teachers, . . 47
Scholarships and bursaries, . . . 47
Choice of employment, ... 47
Conferences, ... 48

IX. VOLUNTARY ASSOCIATIONS, ... 48

Day nurseries, ... 49
Schools for mothers, ... 50

X. SPECIAL SCHOOLS, ... 50

Special school, ... 50
Definitions, ... 50
Certification of children, ... 51
Duties of parents of blind and deaf children, 52
Duties of parents of epileptic and defective children, ... 52
Saving for parental franchises, . . . 53
Duties of the local education authority, . 53
General provisions, ... 54
Duty of guardians, ... 54
Grants by the Board, ... 55
Certified schools. 55

XI. MENTALLY DEFECTIVE CHILDREN, . . . 55

Authorities, ... 55
Definitions, ... 56
Idiots, ... 56
Imbeciles, ... 56
Feeble-minded persons, . . . 56
Moral imbeciles, ... 56

PAGE

XII. Reformatory and Industrial Schools, . 57

Authorities, ... 57
Definitions, ... 58
Certification, ... 58
Managers and discipline, . . . 59
Who may be sent to reformatory schools, . 59
Who may be sent to an industrial school, . 60
Detention and detention orders, . . 61
Licence and disposal, ... 62
Probation, ... 62
Discharge and transfer, ... 63
Offences in regard to certified schools, . 63
Contributions by parents, . . . 64
Contributions by Treasury, . . . 65
Powers and liabilities of authorities, . . 65
Contributions by guardians, . . . 66
Other provisions as to expense, . . 67

XIII. Nursery Schools, ... 67

XIV. Religious Instruction, ... 69

Provided schools, ... 69
Non-provided schools, ... 70
Continuation classes, ... 70
Secondary schools, etc., ... 70
Provided schools, colleges, and hostels, . 71
Non-provided schools, ... 71
Reformatory and industrial schools, . . 71
Special schools and institutions for mental defectives, ... 72
Inspection and efficiency, . . . 72

XV. Medical Provisions, ... 72

Medical inspection and attendance, . . 72
Dirty and verminous children, . . . 73
Infectious diseases, ... 74

PAGE

XVI. TEACHERS, ... 74

Training of teachers, ... 74
Classes of teachers, ... 75
Rights and duties of teachers, . . . 76
Power of punishment, ... 77

XVII. PENSIONS, ... 78

Classes of pensions, ... 78
Private schemes, ... 78
Pensions under the 1898 Act, . . . 78
Pensions under the 1918 Act, . . . 79
Recognised and qualifying service, . . 80
Superannuation allowances, . . . 81
Gratuities, ... 81
Average salary, ... 82
Teachers not within the Act, . . . 82
Miscellaneous provisions, . . . 82
War service, ... 83

XVIII. EMPLOYMENT OF CHILDREN, ... 84

Authority, ... 84
Definitions, ... 84
Limitation of employment, . . . 84
Injurious employments, ... 85
Factories and mines, ... 85
Street trading, ... 86
Employment in licensed places and places of amusement, ... 86
Liability of employers, ... 86

XIX. FINANCIAL PROVISIONS, ... 87

County councils, ... 87
County fund, ... 88
Elementary education, ... 89
Higher education, ... 89
Borough and urban district councils, . 89
Rates, ... 90

PAGE

Financial Provisions—*continued.*

Borrowing powers, ... 90
Accounts, ... 91
Audit, ... 91

XX. Grants, ... 92

Elementary education grants to local education authorities, . . . 92
Substantive grant, ... 93
Deficiency grant, ... 93
Highly-rated areas, ... 93
Grants to other bodies, ... 94
Marine schools and schools attached to institutions, ... 94
Managers of voluntary schools, . . 95
Nursery schools, ... 95
Day nurseries, ... 95
Schools for mothers, . . . 95
Evening play centres, . . . 96
Special schools, ... 96
Institutions providing trade training for children from special schools, . 96
Higher education grants to local education authorities, ... 96
Higher education grants to certain institutions, ... 97
Secondary schools, ... 97
Junior technical schools, . . . 98
Technical institutes, . . . 98
Evening schools, ... 98
Schools of art and art classes, . . 99
University tutorial classes, . . 99
Training colleges for teachers, . . 99

XXI. Inspection and Returns of Information, . 99

XXII. Miscellaneous Provisions, . . . 100
Bye-laws, ... 100
Offences, ... 102
School attendance, ... 102

PAGE

Miscellaneous Provisions—*continued.*

Employment of children, . . . 102
Offences relating to industrial or reformatory schools, . . . 103
Cruelty, ... 103
Miscellaneous offences, . . . 103
Legal proceedings, ... 103
Certificates, ... 104
Notices, documents, etc., . . . 104
Public inquiries, ... 105
Contribution orders, ... 105
Children on canal boats, ... 105
Elections, ... 106
Rating, ... 106
Compensation to displaced officers, . . 106

XXIII. Local Provisions, ... 106
Wales, ... 106
London, ... 107

CONTENTS OF APPENDIX

	PAGE
Education Act, 1918,	111
Elementary Education Act, 1870,	150
Elementary Education Act, 1873,	163
Elementary Education Act, 1876,	166
Elementary Education Act, 1880,	175
Elementary Education (Blind and Deaf Children) Act, 1893,	175
Elementary Education (Defective and Epileptic Children) Act, 1899,	180
Elementary Education Act, 1900,	185
Education Act, 1902,	186
Education (London) Act, 1903,	206
Education (Provision of Meals) Act, 1906,	210
Education (Administrative Provisions) Act, 1907,	212
Education (Administrative Provisions) Act, 1909,	218
Local Education Authorities (Medical Treatment) Act, 1909,	219
Education (Choice of Employment) Act, 1910,	220
Elementary Education (Defective and Epileptic Children) Act, 1914,	221
Education (Provision of Meals) Act, 1914,	225
Employment of Children Act, 1903,	225
Prevention of Cruelty to Children Act, 1904	228

TABLE OF ABBREVIATED REFERENCES TO STATUTES

1870.	Elementary Education Act, 1870.*
1873.	Elementary Education Act, 1873.*
1876.	Elementary Education Act, 1876.*
1880.	Elementary Education Act, 1880.*
1893.	Elementary Education (Blind and Deaf Children) Act, 1893.*
1897.	Voluntary Schools Act, 1897.
1898.	Elementary School Teachers (Superannuation) Act, 1898.
1899.	Elementary Education (Defective and Epileptic Children) Act, 1899.*
1899A.	Board of Education Act, 1899.
1900.	Elementary Education Act, 1900.*
1902.	Education Act, 1902.*
1903.	Employment of Children Act, 1903.
1903A.	Education (London) Act, 1903.*
1904.	Prevention of Cruelty to Children Act, 1904.
1904A.	Education (Local Authority Default) Act, 1904.*
1906.	Education (Provision of Meals) Act, 1906.
1907.	Education (Administrative Provisions) Act, 1907.*
1908.	Children's Act, 1908.
1909.	Education (Administrative Provisions) Act, 1909.*
1909A.	Local Education Authorities (Medical Treatment) Act, 1909.
1910.	Education (Choice of Employment) Act, 1910.*
1912.	Elementary School Teachers (Superannuation) Act, 1912.
1913.	Mental Deficiency Act, 1913.
1914.	Elementary Education (Defective and Epileptic Children) Act, 1914.*
1914A.	Education (Provision of Meals) Act, 1914.
1914B.	Elementary School Teachers (War Service Superannuation) Act, 1914.
1918.	Education Act, 1918.*
1918A.	School Teachers' Superannuation Act, 1918.
1919.	Ministry of Health Act, 1919.

* These Acts are cited as the Education Acts, 1870 to 1918, and so far as consistent with their tenor are construed together as one Act.

Appointed Day.—The various provisions of the Act of 1918 come into force on days appointed by the Board.

Statutory Orders.—These are cited by the letters "S.O.," followed by a number and date.

CERTAIN TERMS USED IN THIS BOOK.

"Part II. Authority" means the Local Education Authority for Part II. of the 1902 Act, *i.e.* for Education other than Elementary (*see* p. 187).

"Part III. Authority" means the corresponding Authority for Part III. of that Act, *i.e.* for Elementary Education (*see* p. 188).

1870, sec. 1. "Parent" includes guardian and every person who is liable to maintain or has the actual custody of the child.

1918, sec. 48. "Child" means a child of an age when education is compulsory (*see* p. 143), or who is actually attending school, unless an age limit is stated.

"Young person" means a person under eighteen who is not a child.

THE POWERS AND DUTIES OF EDUCATION AUTHORITIES.

I. BOARD OF EDUCATION.

Board of Education.—The Board of Education is a statutory body consisting of a President and the Lord President of the Council, the Principal Secretaries of State, the First Commissioner of the Treasury, and the Chancellor of the Exchequer. It has its own seal, and can sue and be sued in its own name. It is referred to in this book as the Board. 1899, A., sec. 1. 1899, A., sec. 7.

Officers.—The Board appoints such officers as it thinks fit. The most important of these is the Secretary. A document bearing the seal of the Board, or signed by the Secretary (or by some person authorised to act as such), is receivable in evidence without further proof. 1899, A., sec. 6. 1899, A., sec. 7.

Expenses.—These are paid out of moneys voted by Parliament. Certain expenses in connection with the inspection of Secondary Schools may, however, be paid by those schools or by the Local Education Authority. 1899, A., sec. 6.

Powers.—The Board has for all purposes taken the place of the Department of Education and of the Science and Art Department. There may also be transferred to it by Order in Council any of the powers of the Board of Agriculture or of the Charity Commissioners, other than the power of determining 1899, A., sec. 2

whether an endowment is held for, or should be applied to, educational purposes.*

Report and Publications.—The Board lays before Parliament each year a report as to the exercise of its functions in the previous year.

It also issues a most valuable series of publications on matters of educational interest.†

The Board has wide powers of requiring information from any Education Authority or school, whether grant-earning or not, and so collects and publishes the Educational Statistics of the country.

It publishes lists of all schools which are "recognised," *i.e.* comply with its requirements.

Teachers.—The Board regulates the training of teachers, and has power to grant, suspend, or cancel certificates.

Inspection.—His Majesty's Inspectors (who are under the control of the Board) inspect and report on all schools, elementary and otherwise, which are grant-earning or "recognised," and have power to inspect other schools by request.

Power of the Board over other Education Authorities.—The Board has very wide powers of making rules or deciding questions under various statutes, and rules and decisions so made or given have in many cases statutory authority, though it is sometimes necessary for these rules, or a report embodying

---

* Three statutory orders, viz. 600 of 1900, 587 of 1901, and 647 of 1902, have been made transferring various powers from the Charity Commissioners to the Board. They include the powers under schemes made under the Endowed Schools Acts.

† These publications, of which the greater number cost only a penny, can be obtained of any bookseller, or direct from the Stationery Office, Imperial House, Kingsway, London. References to many of them are given in the notes hereto.

the decision, to be laid before Parliament.* It has also generally the duty of approving or disapproving bye-laws made by Education Authorities, and in a very large number of matters the latter cannot act without the previous approval of the Board. In particular all Local Educational schemes, arrangements for combinations of Education Authorities for the exercise of powers or fulfilment of duties, and "compulsory orders" for the acquisition of land, require such sanction.

No question can be raised as to the legality of any order or requisition made by the Board under the Education Acts, except within three months of its date. 1870, sec. 84.

Beyond these specific powers the Board has very large general powers derived from the conditions of the grants made by it. 1870, sec. 97.

For practical purposes the Grant Regulations (often called "codes") have the same effect as statutory provisions, since an Authority school or institute cannot disregard them without subjecting itself to the loss of the grant. At the same time, there is a desirable flexibility, since the Board can, in proper cases, excuse non-compliance.

The Board is also the arbiter in most cases of disputes between Education Authorities, and in particular in disputes between managers of non-provided schools and the Local Education Authority. 1902, sec. 7 (3).

In making these decisions the Board is arbiter both of law and fact; but if, owing to a mistaken view of the law, it has not considered the real question, the Courts may set aside the decision by *mandamus* or *certiorari*.†

Of course, the Board cannot give itself jurisdiction

* This applies in particular to statutory orders and to certain cases of withholding grants.

† A *mandamus* is an order of the Court that a body or person shall do something, and often directs a body having power to decide a question to consider certain points which it has failed to consider.

Certiorari is a process by which a decision of such a body may be brought before the Court with a view to setting it aside.

by a mistake, and therefore a decision on a question which (on a true construction of the law) it has no power to decide is of no effect.

Nor do its decisions usually bind outside parties. Thus a decision of the Board that a child is excluded from school on reasonable grounds, though effective on the question as to whether the Authority has so conducted its school as to be entitled to grant, is of no avail against a parent who complains of such exclusion.

II. OTHER CENTRAL AUTHORITIES.

The Home Office.—This is presided over by the Home Secretary. It is the regulating and disbursing Authority for all matters in connection with Reformatory and Industrial Schools, and generally with regard to the treatment of children. Certain bye-laws must be approved by it.

Local Government Board.—This also is a statutory body. Its consent is necessary before money can be borrowed by Local Authorities, and also in certain cases where land acquired for one purpose is to be used for another.

9 & 10 Geo. 5. c. 21.

Ministry of Health.—The Minister of Health was established by the Ministry of Health Act, 1919, and will take over all the powers and duties of the Local Government Board, and the powers and duties of the Board in so far as they relate to medical inspection and attendance. These powers may, however, be exercised through the Board in the case of children at school.*

52 & 53 Vict. c. 30, sec. 2.

Board of Agriculture and Fisheries.—This body has the power to inspect schools, other than Public Elementary Schools, giving instruction in Agriculture

* The date of the transfer of powers must be before 3rd June 1920. No rules or orders have yet been made.

and Forestry, and also to assist research in these subjects.

Treasury.—The Treasury has important functions with regard to pensions, and also makes grants for the support of children in Special and Industrial Schools.

Consultative Committee.—This Committee is for the purpose of advising the Board on any question on which it may be consulted.* 1899, A., secs. 4 and 5.

Register of Teachers.—A body has been formed representative of all classes of the teaching profession for the purpose of keeping a register of teachers and their qualifications.† 1907, sec. 16.

Charity Commissioners.—These have powers, derived from the Charitable Trusts Acts, 1853-1894, over most endowed charities, and hold as Trustees a large amount of Lands and Funds. Much of their jurisdiction with regard to Educational Charities has been transferred to the Board (*see* p. 1), and by the 1918 Act power is given to appoint Official Trustees in whom shall be vested all Lands and Funds held by the Charity Commissioners solely for educational purposes. 1918, secs. 45 and 46.

III. LOCAL EDUCATION AUTHORITIES.

Local Education Authorities.—The Council of every county, and of every county borough, shall be the Local Education Authority, provided that for the purposes of Elementary Education the Council of a borough with a population of over ten thousand, or of an urban district with a population of over twenty thousand, shall be the Authority for such borough or district. The figures refer to the census of 1901. 1902, sec. 1. 1902, sec. 23 (8).

* For its composition *see* S.O. 599 of 1902 and 259 of 1907.
† For composition *see* S.O. 229 of 1912.

1902, sec. 7. 1909, sec. 1. *Education Committee.*—Such Council shall establish an Education Committee or Committees in accordance with a scheme to be approved by the Board of Education, to which all educational matters (except in regard to raising a rate or borrowing money) shall stand referred, and whose opinion shall be received and considered by the Council before acting, except in cases where immediate action is necessary. Any powers of the Council (except in regard to raising a rate or borrowing money) may be delegated to such committee with or without restrictions or conditions. A Council only having powers with regard to higher education need not, however, appoint such a committee.

1902, sec. 17. Education Committees are constituted according to schemes (approved by the Board), which deal with the appointment and retirement of members, etc. A majority of the members of the committee are to be members of the Council (a County Council is not bound by this provision), and others are selected by the Council or appointed on the recommendation of other bodies, *e.g.* Associations of voluntary schools. Women as well as men are to be included.*

1902, sec. 7. 1909, sec. 1. *Co-operation and Delegation.* — Local Education Authorities have large powers of co-operation and delegation. Thus two or more may, with the consent of the Board, form a federation, or appoint a joint-committee, to which their powers are delegated in whole or part,† and a "Part III." Authority may relinquish any powers or duties to the County Council,

1902, sec. 20.

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* A scheme can only be altered by a new scheme formulated and approved as above, so that arrangements regarding the appointment or retirement of members cannot be changed by the Authority at will. The power to appoint outside persons on a committee is exceptional; and, generally, where powers are delegated to a committee, it must consist wholly of members of the body having such powers.

† These powers are exercised under "schemes," which should specify how the expenses of such bodies or committees are to be met. As to their accounts, *see* p. 91.

and if they so relinquish their Elementary Education powers their area becomes part of the county area for these purposes. An Authority may also delegate powers in respect of particular schools or institutions to the Council of any county, borough, urban or rural district, or parish.

Qualifications of Members.—The qualification of members of the Local Education Authority are, of course, those laid down for the councillors and aldermen of the Council concerned. There is no qualification for persons appointed on Education Committees, but those who are not members of the Authority should be persons of experience in education, or persons having knowledge of the needs of the local schools.

1902, sec. 17 (3) (*b*).

No person may be a member of a Local Education Authority or Education Committee who holds an office or place of profit under the Authority, or is interested in a contract * or employment by such Authority; but a teacher in a school or college provided, aided, or maintained by such Authority is not disqualified for a place on the Education Committee, though he is for one on the Council.†

45 & 46 Vict. c. 50, sec. 12. 51 & 52 Vict. c. 41, sec. 2. 56 & 57 Vict. c. 73, sec. 46. 1902, sec. 17 (4).

1902, sec. 23 (7).

There are other disqualifications, *e.g.* bankruptcy, for seats on Councils, but these do not apply in the case of Education Committees.

46 & 47 Vict. c. 52, sec. 32.

There are penalties for disqualified persons who

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* There are certain classes of contracts excepted, of which the most important are contracts with regard to the sale or lease of land, loans, newspaper advertisements, and certain contracts for the supply of road materials. Interest as shareholder in a company does not disqualify, but it is better that such shareholder should take no part in the proceedings in reference to the contract, and in some cases he is forbidden to do so. Generally the effect of disqualification by interest is that the seat is vacated and the holder is not eligible for re-election till the interest has ceased.

54 & 55 Vict. c. 63, sec. 5.

† It should be noted that the disqualification may arise from matters having no connection with education, *e.g.* a tramway employee could not be on the Education Committee of the Council employing him. The contract or employment need not be directly with the Council, *e.g.* a sale of building materials to a contractor with the Council would disqualify. A pensioned official is not disqualified.

speak or vote at Council meetings, but these do not apply to Education Committees.

Managers and Governing Bodies. — All Public Elementary Schools must have a body of Managers,* and it is generally a condition for all grant-earning schools that they should have a Governing Body or a responsible body of Managers on which the Local Education Authority is represented.

51 & 52 Vict. c. 41, sec. 75 (15). 45 & 46 Vict. c. 50, Sch. 2 (10). 38 & 39 Vict. c. 55, Sch. 1 (2).

Procedure.—The Council makes its own rules as to place and time of meeting (though the time of the first meeting is fixed in certain cases). The quorum is one-fourth in the case of a County Council, one-third in the case of a Borough Council, one-third (and at least seven) in the case of an Urban District Council.

1902, sec. 23 (3).

No councillor elected by a division consisting wholly of a borough or urban district which is a " Part III." Authority shall vote in the Council on any " Part III." matters.

1902, Sch. 1.

The Authority appointing an Education Committee may make rules as to place and time of meeting, quorum, and proceedings, otherwise the committee decides for itself.

In all cases the chairman has a second or casting vote.

1902, Sch. 1.

No proceeding is invalidated by vacancies or by defects in election, appointment, or qualification of members. The Council or Committee is presumed to be properly constituted, and to have power to deal with any matters in the minutes, unless the contrary is shown. All these bodies have power to appoint committees or sub-committees.

1918, sec. 14.

Minutes are to be kept, and are sufficiently authenticated by the signature of the chairman of the meeting at which they are signed. Any ratepayer may inspect and take a copy on payment of one shilling.

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* The appointment and powers of the Managers of Public Elementary Schools are dealt with at p. 28.

The provisions for meetings of Managers are substantially similar, but the Local Education Authority may vary these provisions in the case of Managers of provided schools. The quorum is one-third (and at least three). Their minutes are open to inspection by the Authority; they must hold a meeting at least once in three months. 1902, Sch. 1 (B).

The public are not entitled to be present at the meeting of a Council or Committee without its permission, but duly accredited representatives of the press are entitled to be present at a meeting of a Local Education Authority, and at a meeting of an Education Committee, or Joint Education Committee, while the Committee is engaged on business which does not require the approval of the Council. They may be, however, temporarily excluded when it is in the public interest that the proceedings should be private. 8 Edw. 7. c. 43.

General Powers of Local Education Authorities.—The Local Education Authority has all the powers and duties formerly exercised by the School Boards, and many others have been conferred or imposed on it by recent legislation. These powers and duties are dealt with in the various sections of this book and need not be enumerated here. 1902, sec. 5.

As these bodies are County, Borough, or Urban District Councils, they may (subject to the proper formalities) promote or oppose Bills in Parliament or Provisional Orders. They may acquire and hold land, and also accept money or endowments in trust for certain purposes. They have a seal and can sue or be sued. They have power to appoint such officers as may be necessary * and to pay them salaries and pensions. 3 Edw. 7. c. 9. 3 Edw. 7. c. 14. 1870, sec. 35.

Contracts.—In entering into contracts, Local Education Authorities are bound to observe certain formali- 38 & 39 Vict. c. 55, sec. 174.

* Joint officers may be appointed by several Authorities. 1870, sec. 35.

ties, the most important of which is that all contracts which entail a greater liability than £50 *must* be under seal.* In the case of contracts for works they are required, before entering into the contract, to obtain from their surveyor an estimate of the cost, and of the best method of execution, and contracts of the value of £100 must be advertised for public tender.†

Although the statutes permit the delegation of most of the powers of the Council to Education Committees, there is no machinery provided for a Committee as such to enter into a contract.

Acquisition, Use, and Sale of Land.‡

1918, sec. 34. 9 Edw. 7. c. 44, Sch. 2.

Acquisition of Land.—A Local Education Authority obtains compulsory powers for acquiring land by means of a "compulsory order," which is confirmed by the Board (after the necessary notices and advertisements). Such "compulsory order" will not be confirmed if the Board considers the land unsuitable. If it considers it suitable, it will be confirmed if unopposed, but if it is opposed a public inquiry will be held. This inquiry does not deal with the price to be paid for the land, but with such questions as its suitability, whether it can be acquired without undue detriment to the owners, or the owners of adjoining land, and the conditions (if any) which

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* This is absolutely obligatory, and the Council is in no case liable if this is not done, even after the contract is finished. It *may*, however, pay.

† A tender is not in general binding, and Authorities sometimes find that after the Education Committee has discussed the various tenders and recommended that a certain tender should be accepted, the contractor withdraws it. This can be prevented by making it a condition of the issue of the tender forms that any tender sent in shall be irrevocable for a stated period.

9 Edw. 7. c. 44, Sch. 2. 8 & 9 Vict. c. 18. 8 & 9 Vict. c. 20, secs. 77-85.

‡ The procedure is that laid down in paragraphs 1 to 13 of the First Schedule to the "Housing, Town Planning, etc., Act, 1909," which in turn incorporates most of the "Lands Clauses Act, 1845," and the parts of the "Railway Clauses Act, 1845," relating to mines. For advertisements, etc., *see* the "Education (Compulsory Purchase) Order, 1919." S.O. 35 of 1919.

should be attached to its acquisition. When the order is confirmed it is advertised, and if the Authority still desires any part of the land, it serves on the owner a notice to treat.*

This must be done within three years, unless some other time is named in the order. This notice binds the Authority to acquire this part of the land † on such terms as may be agreed, or, in default of agreement, settled by a single arbitrator named by the Board. In the conduct of the arbitration costs are kept as low as possible, and the arbitrator may act on his own knowledge and experience, so that expert witnesses are not generally necessary.‡ The Authority pays all the costs of the arbitration (other than those disallowed by the arbitrator), unless they have made a formal offer equal to or greater than the amount awarded, in which case each side bears its own costs.

The price of the land is fixed as between willing buyer and seller, and no allowance is made for compulsory purchase, but the price may allow for injury to other lands of the same owner due to severance, or to the purpose to which the land acquired will be put.§ Other adjoining owners can also claim in certain cases if their lands are injuriously affected.

The order is effective without Parliamentary 1918, sec. 34 (1) (c).

* The order in itself does not oblige the Authority to buy the land, or affect the owner's rights in it.

† Land includes any right over land, *e.g.* a right of way. 53 & 54 Vict.

‡ S.O. 533 of 1910 deals with the costs of arbitrations. There is a fixed scale (which, in the case where the price fixed is under £50, is £3, 3s., plus £2, 2s. if witnesses have to be called), and in the absence of special circumstances no more will be allowed to the claimant. Counsel and expert witnesses may only be heard by leave of the Board, and if heard otherwise their costs will be disallowed. c. 70, sec. 93. 1870, sec. 21.

§ If the Authority proposes to take part of a factory or dwelling, the owner may require it to take the whole. The Authority does not acquire any mineral rights, nor any right of support from minerals belonging to the owner of the land acquired, but may subsequently require him to leave any minerals necessary for the support of the land acquired, by giving him notice and paying compensation for such minerals. 8 & 9 Vict. c. 18, sec. 92. 8 & 9 Vict. c. 20, secs. 77-85.

9 Edw. 7. c. 44, sec. 45. sanction, unless (*a*) it relates to land which is the site of an object of archæological interest, or belongs to any Local Authority, or has been acquired for a public undertaking, or is required for the amenity or convenience of a dwelling-house; or (*b*) where, in the case of urban land, the order disregards the result of the public inquiry.

9 Edw. 7. c. 44, Sch. 1 (7).

1918, sec. 37. The expenses of the order are paid by the Authority out of its ordinary resources, and money may be borrowed for this purpose subject to the usual limitations (*see* p. 90).

8 & 9 Vict. c. 18. The general effect of the Lands Clauses Act is that if by an Act or "provisional" or "compulsory" order persons are given the power to take land for a public purpose, *e.g.* for a school site, that land may be transferred to them notwithstanding any restrictions that may have been imposed on its use or sale: *e.g.* that it is held in trust for a special purpose, or any disability of the possessor; *e.g.* that he is insane, or has only a life interest.

Further, the Authority acquiring such land can, if it takes the proper precautions, obtain a good title in all cases.

Persons enjoying the rents and profits of the land, but who would normally be under an inability to sell, *e.g.* tenants for life, are enabled to sell by agreement land which is required by an Authority for educational purposes. They may also, in place of selling the land, grant a limited right, *e.g.* a right of way.

1870, sec. 21. 1907, sec. 1.

8 & 9 Vict. c. 18. The exercise of these powers is not affected by restrictive covenants either as to the sale or use of the land, but persons affected by the land being freed from restrictive covenants as to its use may claim against the Authority for injurious affection as if the sale were compulsory.

The consideration for the sale may be a lump sum or an annual rent charge. If the person selling is under disabilities or restrictions, such lump sum

should be paid to the Bank of England for disposal in accordance with the trusts, etc., affecting the land. The rent charge is payable to the person who would from time to time be entitled to the rents and profits from the land. Where land is purchased by agreement from persons under disabilities, the price paid cannot be less than the sum fixed by two surveyors, one appointed by each party (in case of disagreement two justices can appoint a third surveyor to decide). This, of course, does not apply if the price has been fixed by arbitration.

The lands, easements, etc., must be conveyed in the form, etc., required by law, and where any document has to be executed by the Local Education Authority, it must be under the seal of such Authority.*

Managers of a "non-provided" Public Elementary School, or persons desirous of founding such a school, have power to acquire land by agreement for this purpose. There are also powers of acquiring and holding land given to persons desirous of establishing other classes of educational institutions, including training colleges for teachers.† 1870, sec. 21.

Use and Disposal of Lands.—Lands acquired by a Council as Education Authority may (with the consent of the Board and the Local Government Board) be used for other purposes provided no nuisance is caused, but the special approval of the Local Government Board is also necessary where it is to be used for certain purposes which might be objectionable. 1909, sec. 5.

Land acquired for other purposes may be appropriated to educational purposes (with the leave of the 1907, sec. 1.

* In the case of a Borough Council the conveyance is made to "The Mayor, Aldermen, and Burgesses," or "Lord Mayor, Aldermen, and Citizens," as the case may be. The conveyances, etc., must be sent to the offices of the Board for registration. 1918, sec. 46 (3).

† These powers are given by a series of Acts known as the "School Sites Acts," which are not within the scope of the present work.

Local Government Board), and the Council of a non-county borough or urban district can so appropriate land for the purposes of Higher Education.

Land acquired for elementary education purposes can be used for higher education purposes, or vice versa, with the consent of the Board.

1870, sec. 22. 1907, secs. 1 and 2. The Board (or Local Government Board as the case may be) may order any financial adjustments necessitated by such changes. There is also power to sell, lease, or exchange lands acquired for educational purposes with the consent of the Board.

1873, sec. 13. *Endowments.*—A Local Education Authority may accept and hold in trust any endowment for educational purposes, provided that there are no denominational restrictions, and all schools connected with such endowment shall be deemed to be provided schools.*

Liability of Local Education Authorities.

5 & 6 Vict. c. 97. 56 & 57 Vict. c. 61. Questions very frequently arise as to the liability of Local Education Authorities for accidents to children, etc. In all such cases the Authority is entitled to the benefits of the Public Authorities Protection Acts.†

Provided Schools.—These schools being under the control of the Local Education Authority, and the teachers being persons in their employ, they are generally liable for acts done by the teachers in the course of their employment, and for negligence by the teachers. The question as to whether an act is done or an order given in the course of a teacher's employment of course depends on the particular facts; but

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* There is some doubt whether or not this provision is confined to endowments connected with Public Elementary Schools.

† Any action must be brought within six months of the accident, etc. The Authority may make a tender, and a successful Authority is entitled to costs as between solicitor and client either of the whole cause or as to such costs as are subsequent to the tender.

it must be remembered that it is the teacher's function to order and the child's to obey, and not to consider whether the order is rightly given, and therefore the fact that the teacher was not bound, or even that he was forbidden, to do or order the act out of which the accident arose, is not necessarily a defence. For example, where a teacher sent a child to poke the fire in a room reserved for the teachers, and the child was injured, the Local Authority was held responsible, although it was, of course, not part of the teacher's duty so to send the child.

The standard of negligence varies with the age and capabilities of the children, and an act might well be negligent in an infants' department which would not be so with children of fourteen or fifteen.

The Local Authority is also responsible for providing suitable buildings and furniture and for keeping them in proper repair. Thus a council has been held liable in cases where a child fell owing to the faulty condition of the playground, and where an infant's fingers were crushed in a swing door, such door being considered dangerous in an infants' department. It may also be responsible for articles stolen from cloak-rooms, etc., if proper precautions have not been taken for their custody.

Non-provided Schools.—It has never been decided who is responsible in similar cases in non-provided schools, but in view of the fact that the control of these schools is in the Managers, save in so far as by statute they are required to conform to certain requirements of the Local Education Authority, it would seem that they, and not the Authority, are generally liable. The Local Education Authority might, however, be liable in certain cases, *e.g.* negligence by a pupil teacher, or accidents due to faulty furniture provided by it.

Other Cases.—Where an Authority provides con-

veyances it may be liable for accidents to children riding in them if it has not taken proper precautions for their safety (which may include the provision of a responsible person to look after them), even though such children do not come from beyond the distance limit, and are therefore not entitled to be conveyed.

The Authority is not responsible for negligence by medical practitioners employed by it if it has engaged competent men.

1902, sec. 16. *Remedies against Authorities, etc.*—Where a Local Education Authority is in default the Board may, after holding a public inquiry, make an order as to the action of the Authority, and if this is not obeyed may apply for a *mandamus* to enforce it.

1880, sec. 2. In addition, the Board has specific powers to act in
1904, sec. 1. certain cases on its own initiative, *e.g.* it may make bye-laws as to school attendance if the Authority has not made any, and it may pay to the Managers of a school (or persons acting as such) amounts which the Authority should have paid, and recover such amounts from the Authority.

In fact recourse to these powers is seldom necessary, as the Board's power to withhold grants is sufficiently effective.

A Local Education Authority, or the Managers of a provided school, may also be sued by parties, *e.g.* parents, if they fail to perform their statutory duties.

As to disputes with Managers of non-provided schools, *see* p. 30.

IV. EDUCATIONAL SCHEMES.

1918, sec. 1. *Schemes under the* 1918 *Act.*—One of the chief objects of the 1918 Act was the provision of a complete system of education, ranging from Nursery Schools to the Universities, and the co-ordination of all our educational resources.

In order to carry out this object the Councils of counties and county boroughs may (and when required by the Board shall) submit schemes * for the provision of educational facilities within their area. Before submitting a scheme, the Council shall consult with the "Part III." Authorities (if any) within their district as to the help they can give, and shall give an opportunity to parents or other persons interested to make representations as to the scheme, and shall also consider the resources of schools in their district not provided by public authorities. The above-mentioned "Part III." Authorities may, if they wish, make representations direct to the Board.

These schemes should be full and detailed and deal with all matters connected with the education and training of children and other persons (including medical attention, social and physical training, etc.), but excluding Industrial Schools (regulated by the Home Office) and certain forms of practical instruction in rural areas (regulated by the Board of Agriculture and Fisheries).

Schemes should commence with an introduction showing the needs of the area (with statistics as to numbers of children of different ages, numbers attending the schools, etc.), the existing provision for education (including arrangements for co-operation with other Authorities), and the developments required. This is to be followed by the scheme proper, which should be drawn on broad lines with a view to educational development for a period of at least ten years, though the detailed arrangements need not extend so far ahead.

The part of the scheme dealing with Continuation Schools and Classes should therefore be prepared on the lines that young persons up to eighteen are included, although at first attendance is only com- 1918, sec. 3.

* *See* Circular 1119 (price 3d.), which deals very fully with these schemes. The Board is now ready to receive schemes.

pulsory for those under sixteen, and every attempt should be made to persuade employers to give facilities for attendance at these classes in anticipation of the appointed day, and also to procure the attendance of young persons outside the compulsory limits of age.

In preparing a scheme the Council should always keep in mind the object of the Act, viz. to secure that no child or other person should be debarred from any form of education by which he is capable of profiting through inability to pay fees, and the need that arises therefrom so to co-ordinate the system of education that each part of it is progressive and leaves the student prepared for further instruction. The schemes must include not only that education which is compulsory, but all further facilities such as evening schools, university courses, etc., for those who desire to continue their education.

Special attention should be paid to the vocational education most suitable to the area concerned. Schemes should also deal with the provisions made for recreation and physical and social training, which will be partly within the schools and partly outside (school camps, evening play centres, social sides of institutes, etc.), and with medical attendance, provision of meals, etc., each of these matters being dealt with separately.

Another most important subject is that of the recruiting and training of teachers, in view both of present requirements and of future extensions, and the provision of opportunities for their further education (special courses, research, etc.). Although the scheme is for the area of the Council, it may provide for education elsewhere (*e.g.* at Universities or under other Education Authorities), and it should deal with any arrangements proposed to be made with other Authorities, and more particularly with the arrangements for co-ordination of the Elementary Education, provided by "Part III." Authorities within the

area, with the further education provided by themselves.

An account of the various steps taken in preparing the scheme, and of representations made by other bodies in regard to it, should be also furnished.

Schemes are to be similarly prepared by "Part III." Authorities. These will be divided into an introduction and the scheme proper as above described, and will deal with Elementary Education, the co-ordination of such education with the further education provided by the corresponding "Part II." Authority, and the supply and training of candidates for the teaching profession. 1918, sec. 2 (1).

The Board may approve of the scheme, which then becomes effective, and must be put into force by the Local Education Authority, or disapprove it. If the Board and Local Authority cannot agree, the latter may demand a public inquiry. The Board shall lay before Parliament their reasons for disapproval, the result of the inquiry, and any steps they propose to take in the matter by reduction of grants, etc. 1918, sec. 5.

For the purposes of these schemes two or more Councils may appoint a joint-committee or body of managers, to whom they may delegate any powers (other than those of raising money by loan or rate), and agree as to the proportions in which they will contribute to its expenses. 1918, sec. 6.

Further, "Federations" may be formed by Councils with the approval of the Board, so that there may be in effect one authority for a large area having common educational interests, but no Council shall be included in such federation except with its consent.

V. ELEMENTARY EDUCATION.

Authority. — The Local Education Authority for the purposes of this section is the "Part III." Authority.

1870, sec. 3. *Definition.*—" Elementary School " means a school or department of a school at which Elementary Education is the principal part of the education there
1902, sec. 22. given.* It does not include any " evening school."
1918, sec. 3 (2). This definition has been modified in the case of " Advanced Courses " (*see* p. 32).

1918, sec. 26. *Compulsory Provisions.*—Public Elementary Education is free and compulsory for all children, unless such children are being properly educated otherwise.
1870, sec. 74. 1918, sec. 8. A child is bound to attend school in accordance with the bye-laws of the Local Education Authority from the time he is five years of age (unless a bye-law has been made raising the age to six) till he is fourteen (which may be raised by a bye-law to fifteen). In the case of existing bye-laws where a less age than fourteen is specified, the age of fourteen is deemed to be inserted.†

1918, sec. 9. If a child is attending, or about to attend, a Public Elementary School, he is not deemed to attain an age till the end of the school term after he has attained that age, *e.g.* he need not begin to attend school till the term after he is five, and must remain in attendance till the end of the term in which he reaches fourteen.‡ The Authority may (with the leave of the Board) make regulations by which children will only be received at the beginning of a term.

1918, sec. 8. No exemption may be granted to any child under the age of fourteen (as above defined) after the appointed day, but exemptions granted before that date remain in force. Exemptions may, however, be granted by the Local Education Authority to children

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* There is nowhere any definition of Elementary Education, though probably this was originally intended to mean reading, writing, and arithmetic. In fact, the education given is governed by the requirements of the " Code." (*See* " Curriculum," p. 31)

† This provision is not yet in force.

‡ In the case of a child at a secondary school, the obligation to attend ceases on his fourteenth birthday.

above that age, where by bye-law these are required to attend school.*

Children may, however, be sent to school from the age of three, and may remain after fourteen, but no young person may remain at a Public Elementary School who will be over sixteen at the end of the current school year (*i.e.* the next 31st July) without the leave of the Board, but the Board may authorise the substitution of the end of the " educational year " for the end of the school year in specified schools where these periods do not coincide. 1902, sec. 22 (2). 1911, sec. 2. 1918, sec. 8 (5).

There is, however, no obligation to receive children outside the limits of age for compulsory education.

It is the duty of the Local Education Authority to enforce attendance according to the requirements of the statutes and bye-laws, and for this purpose they may appoint " attendance officers," whose duty it is to inquire into cases of non-attendance, warn parents, and if necessary attend on any prosecutions. Such prosecutions must be authorised by two members of the Education Committee, or of a sub-committee appointed by it for attendance purposes. 1870, sec. 36. 1876, sec. 38. 1918, Sch. 1.

If a parent habitually and without reasonable excuse neglects to provide suitable education for a child, or if such child is found habitually wandering or not under proper control, or in bad company, the Local Education Authority *shall* (after warning the parent) complain to a Court of Summary Jurisdiction, who *may*, in the absence of " reasonable excuse," make an " attendance order," viz. an order that the child shall attend regularly at a specified school.† If this order is not complied with the Court may, for the first offence, fine the parent, or if he shows that he has used all reasonable efforts, order the child to 1876, secs. 11 and 13. 1876, sec. 12.

* This provision is not yet in force. The exemptions may be individual or according to occupation.

† This school shall, where practicable, be one chosen by the parent. Where the parent does not suggest a school it is the duty of the Authority to name a school which will receive the child.

attend a Day Industrial School, or if there is no such school suitable send him to a Residential Industrial School. On a subsequent complaint either or both penalties may be inflicted. Complaints of non-compliance with an attendance order shall not be made at shorter intervals than a fortnight.

1870, sec. 74. A parent may also be prosecuted for failing to send his child to school in accordance with the bye-laws, in which case a penalty may be imposed, but an attendance order cannot be made.

For "reasonable excuses" for failing to send a child to school, or to comply with an attendance order, *see* next paragraph.

1876, sec. 4. 1870, sec. 74. *Duty of Parents.*—A twofold duty is imposed on parents: firstly, to see that their children receive sufficient elementary instruction in reading, writing, and arithmetic,* and, secondly, to see that they attend school in accordance with the regulations of the Local Authority.†

1876, secs. 11 and 12. It is, however, an answer for the parent to show that there was a "reasonable excuse" for non-attendance. There are three excuses which are declared to be reasonable: (1) that the absence was caused by sickness or some other unavoidable cause;

1918, sec. 8 (7). (2) that there is no school within such distance as

1907, sec. 14. may be prescribed by the bye-laws‡ of the child's home, unless a conveyance is provided by the

1870, sec. 74. Authority; (3) that the child is being efficiently educated otherwise. Such education may be in a

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* The first duty appears to be absolute, and might give a means of dealing with parents who refuse to take advantage of such facilities as are afforded by Section 21 of the 1918 Act (*see* p. 46). (*See* also p. 52.)

† This includes attendance at a "centre" for special classes, and if a child is sent to his ordinary school when he should attend such a centre, the parent may be summoned for failing to cause him to attend school (*see* also p. 30).

‡ This distance must be measured by the nearest practicable road, not necessarily along a high road.

school (which must be open to inspection and keep proper registers), or it may be given privately. 1918, sec. 8 (3).

The onus is on the parent to show that the education is efficient, though not necessarily of the same standard as is given in a Public Elementary School.

But these examples do not exhaust the list of reasonable excuses which may be an answer to a charge. The one most commonly put forward is that of truancy. Where the parent can show that he has taken all reasonable steps, short of taking the child, to make him attend school, this is usually accepted as an answer to a prosecution for a penalty, but it does not prevent the Court from making an attendance order or, on a summons for failure to comply with such an order, from sending the child to an Industrial School, since one of the reasons why the Court has this power is that it may deal effectively with truants. The fact that a child has been refused admission to school for a proper cause, *e.g.* because he is verminous, does not furnish the parent with an excuse, since it is the parent's duty to remove this cause.*

Provision of Schools.—The Local Authority is responsible that the Public Elementary Schools in a district are sufficient for its needs. This duty may be discharged by building schools, or acquiring them by transfer or otherwise, or by enlarging existing schools belonging to the Authority. Such schools are known as " council schools " or " provided schools." 1870, sec. 5.

The managers or trustees of a school may transfer a complete or partial interest in it (with or without any attached endowment) to a Local Education Authority, and such Authority may retransfer such school to managers to be held on the original trusts. The consent of the Board is necessary in both cases. 1870, sec. 24.

* The dirty condition of other children at the school might, however, furnish an excuse.

1902, sec. 7. Besides these schools there are the " non-provided " or " voluntary " schools, which remain the property of their former proprietors, but which the Local Authority is bound to maintain if they are decided to be " necessary " schools. The Local Authority has only a limited right to the use of the premises out of school hours. No charge can be made to the Local Authority for the use of the school-house ; but the teacher's dwelling-house may be the subject of a charge.*

1902, sec. 13. The endowments of such a school are not affected by the Local Education Authority undertaking its maintenance, except as appears on p. 88.

1918, sec. 35. Schools may be placed, when convenient, in the area of another Authority, but for this it is necessary to get the leave of the Board, which shall only be given after such other Authority has been consulted.

1902, sec. 8. *New Schools.*—Before providing a new Public Elementary School notice must be given, and the managers of any existing school, the Local Education Authority (if it is not that Authority which proposes to build), or any ten ratepayers in the district may appeal to the Board on the ground that the school is not required, or that a " provided " or " non-provided " school would be better suited to the district, and the Board will decide whether or not the school will be " unnecessary."

A transfer of a school to or from a Local Authority, or an enlargement which, in the opinion of the Board, 1918, sec. 30. amounts to a new school, comes under these provisions. Schools maintained for a limited period because the managers are unable to carry them on 1918, sec. 32 (2). (*see* p. 35), and premises provided for advanced or practical instruction for classes composed of children

* It is probably sufficient if the school buildings are there, even if they are without furniture, if the Board recognises the school as " necessary " (*see* p. 26).

attending a number of elementary schools, are not new schools.

Unnecessary Schools.—The Board decides whether a new school is or will be "necessary," so as to be eligible for a grant and, in the case of a voluntary school, entitled to maintenance. 1902, sec. 9.

The Board may also declare an existing school "unnecessary" (when it will cease to earn grants or be entitled to maintenance), but shall not do in the case of a Public Elementary School with an average attendance of thirty or over. The Local Education Authority may close or cease to maintain any unnecessary school. 1902, sec. 7.

Maintenance of Schools.

Provided Schools.—The Local Education Authority has complete control of these, and is responsible for their maintenance and efficiency in all respects. The duties include the upkeep of the fabric, provision of efficient staff and equipment, supervision of curriculum and teaching (secular and religious), and general compliance with the requirements of the statutes and "Codes." 1870, sec. 18. 1902, sec. 7.

Non-provided Schools.—In the case of "non-provided" schools, the Local Authority is also responsible for their maintenance and efficiency so long as the managers perform their statutory duties, which include keeping the school-house in good repair and making any alterations or improvements reasonably required by the Local Authority, the expenses being borne out of the funds provided by the managers. The Local Authority pays for any damage due to fair wear and tear, of which it is the judge. The Local Authority is entitled to the free use of existing furniture, but the upkeep of the furniture and the provision of any necessary new furniture falls on the 1902, sec. 7.

Local Authority, which is entitled (and probably bound) to provide furniture in the first instance if it is not there.

The duty of the Authority is generally to maintain the school as it was before transfer, *e.g.* if it included several departments these must all be kept up.* The religious teaching being an integral part of the education given, the Authority must pay for this, though it cannot control it or keep it efficient.† Generally speaking, it must keep the school in the same state of efficiency as prevails in its own schools, and therefore any attempt to differentiate in salaries, etc., is looked on with suspicion. (*See* further on this subject under "Managers.")

Public Elementary Schools.—These schools, whether provided or non-provided, are known as "Public Elementary Schools." In all such schools education must be free, no child may be excluded except on reasonable grounds,‡ and the provisions as to religious education and the regulations laid down by the Board must be observed.§

1902, sec. 7 (4). No Public Elementary School (except a Marine School or a school attached to an institution) is eligible for a grant from the Board unless it is provided or maintained by a Local Education Authority.

These schools may be classified as follows:—ordinary Elementary Schools which receive children from five (or in some cases earlier), who normally

1918, sec. 2. remain till fourteen or later. The education is in the main elementary, but in the case of the older children

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* New powers have, however, been conferred on the Authority. (*See* "Grouping of Denominational Schools," p. 30.)

† Any question of unnecessary expenditure on religious education would be decided by the Board.

‡ These are nowhere defined, but as example may be given the case where a child is in such a state that his presence would be dangerous or objectionable to others (*see* p. 73).

1870, sec. 97. § Since the school is required by statute to be conducted in accordance with the "Code," this has statutory force, and the Courts can compel an Authority to observe its provisions.

includes classes (in which the instruction is not necessarily elementary) preparatory to further instruction in continuation schools or otherwise.

Higher Grade Elementary Schools, in which selected children are given a more advanced education, though the instruction is still chiefly in elementary subjects. There are now no specific conditions or grants attaching to these schools, which are being replaced by Central Schools.

Central Schools provide a still more advanced course of education for selected children, who normally enter between the ages of eleven and twelve and remain till sixteen. These schools are generally organised on either a commercial or an industrial basis. 1918, sec. 32.

Centres are schools where special subjects, *e.g.* cookery, handicraft, etc., are taught to children attending other Elementary Schools. 1918, sec. 32.

The " Part III." Authority also deals with certain other schools, viz. Nursery Schools (*see* p. 67), Special Schools (*see* p. 50), and Industrial Schools (*see* p. 57).

*Marine Schools and Schools attached to Institutions.**—The Local Education Authority *may* maintain as a Public Elementary School a Marine School or a school attached to, or held on the premises of, an institution where children are boarded. If it does not do so the school remains eligible for grants from the Board (*see* p. 94). These schools must have a responsible body of managers, and a correspondent. 1902, sec. 15.

Managers.

General.—Every school must have a responsible body of managers. There is no qualification necessary for a manager (other than a Foundation Manager), nor is there any disqualification through interest, employment, etc., except in the case of teachers 1902, sec. 6.

* Sometimes called Non-L.E.A. Schools.

(*see* p. 33). The numbers given below may be increased by the Local Education Authority, provided that the proportions are preserved. (For questions of procedure at meetings, etc., *see* p. 8.) A manager appointed by an Authority may be removed by it at any time.

1902, Sch. 1, B (4).

Provided Schools.—If the Local Education Authority is the Council of a borough or urban district, it appoints such a number of managers as it thinks fit. If it is a County Council it appoints not more than four, and the "Minor Local Authority" * not more than two.

1902, sec. 6.

Central Schools or classes may be managed as the Authority thinks fit.

1918, sec. 32.

These managers have such powers as may be given them by the Local Education Authority.

1902, Sch. 1, B (4).

Non-provided Schools.—Here the managers consist of not more than four "Foundation Managers," and not more than two appointed by the Local Education Authority (or one by that Authority and one by the "Minor Local Authority"). The "Foundation Managers" must have the qualifications and be appointed in the manner laid down by the Trust Deed, or by an order of the Board replacing or supplementing such deed. Where the receipt of any endowment depends on the managers having certain qualifications, it shall be sufficient if the "Foundation Managers" are so qualified. The persons so appointed are the managers of, and have control of, the school for all purposes under the Elementary Education Acts, though so far as secular education is concerned they are bound to comply with the requirements of the Local Authority.

1902, sec. 11.

1902, sec. 7.

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* "Minor Local Authority" means the Council of a borough, urban district, or parish; or a parish meeting. Where a school serves the areas of several of these, the Local Education Authority shall arrange for them to appoint managers jointly.

Before the 1902 Act the managers of a voluntary school had complete control of it. The effect of that Act was to give to the Local Education Authority certain specific powers over the managers of voluntary schools maintained by it, but otherwise to leave this control unaffected. Thus the general control of the school remains with the managers, who may do what is in their opinion necessary, *e.g.* engage cleaners, etc., without reference to the Local Authority, but the question of whether the latter is bound to pay for what has been done depends on whether it was reasonably necessary for maintaining the school or keeping it efficient, and this will be decided by the Board. It would seem that regulations as to the discipline of the teachers, etc., should be made by the managers and not by the Authority.

The managers engage and dismiss the teachers on the regular staff, and such teachers are their servants, and not the servants of the Authority. The Authority may object to the appointment on "educational grounds," or may require that a teacher be dismissed on such grounds,* and its concurrence is required in the dismissal of any teacher, unless such dismissal is by reason of the "religious instruction" given by such teacher.†

The appointment and dismissal of student or pupil teachers, and of teachers of special subjects not on the regular staff of the school, are in the hands of the Authority.

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* If the grounds of objection to a teacher are really "educational," any question arising between the Authority and the managers as to the reasonableness of the requirements of the Authority is for the Board, but if the Court holds that the grounds of objection are not "educational," the decision of the Board is of no effect. Isolated breaches of discipline do not constitute an "educational ground" unless they show that a teacher is unfit for his profession.

† It would seem, however (although there are conflicting decisions on this point), that the dismissal is effective although this consent has not been obtained. The dismissal must be on the grounds of the "religious instruction" given, and not merely on the grounds of the teacher's religious beliefs.

The managers are bound to comply with the requirements of the Authority as to secular education (and in particular as to the number and qualification of the teachers), and if they do not do so the Authority may carry out any requirement itself, including the dismissal of a teacher.*

Any question arising under Section 7 of the 1902 Act (which regulates the relation between the Authority and the managers) is to be decided by the Board. (*See* remarks at p. 3.) This does not prevent recourse to the Courts in cases where the Board has exceeded its powers or failed to consider the true question.

1902, sec. 11. The managers so appointed are also the managers for the purposes of the Trust Deed, so far as relates to the management of the school as a Public Elementary School. They have, therefore, control of the religious instruction, subject to any supervision provided by the deed. They have not, however, any property in the school premises, whose owner must be determined from the deed.

1918, sec. 32. " Non-provided " central schools or classes may be managed as the Authority and the managers of the schools concerned agree.

1902, sec. 12. *Grouping of Schools.*—The Local Education Authority may group several " provided schools " under one body of managers, on which body due provision must be made for the representation of Minor Local Authorities.

They may also group " non-provided " schools with the consent of their managers, the managers of the grouped schools being appointed as may be agreed,† or settled by the Board.

1918, sec. 31. Schools of the same denomination may be grouped by the Local Education Authority (with the consent

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* The teacher may apply to the Courts to restrain the Authority from acting if the requirement is unjustified.

† Any such agreement holds good for three years.

of the Board), and the children redistributed among them according to sex, age, etc. The managers of any school affected may, however, demand a public inquiry.

Distribution of Children.—Prima facie a child has the right to attend any Public Elementary School.* It is, however, recognised that an Authority may appoint certain schools for different classes of children, the difference depending on age, sex, or attainments. A further condition which has sometimes to be imposed (more especially in large towns) is that only children residing in a certain area will be received at a school. Although there is no express authority for this requirement, it would probably be held in proper cases to be a reasonable excuse for refusing to receive a child at a particular school.

Requirements of the Board.†

The following is a short abstract of the principal requirements of the "Code" regulating Public Elementary Schools, compliance with which is necessary for obtaining recognition or grants:—

Curriculum.—For the younger children the aim is development of mind and body and formation of good habits. The elements of Reading, Writing, and Number are taught, and instruction is given in Drawing, Sewing, and Knitting.

For the elder children the curriculum includes Reading, Writing, Arithmetic, History, Geography, Drawing, and Singing.

Lessons are also given in Observation and Nature Study and in Hygiene, and for girls in Domestic

* This applies whether or not he resides in the area of the Authority providing or maintaining such school.

† *See* Grant Regulations, No. 8. There is a statutory obligation to obey these which in proper cases may be enforced by a third party, *e.g.* where a child is wrongfully excluded.

1918, sec. 2. subjects. Physical Training is an essential part of this education, and under the 1918 Act suitable practical instruction must be included. Courses of advanced instruction (in which the main portion need not be " elementary ") for the older or more intelligent children (including those over fourteen) must also be arranged, and children be prepared for further education at other schools.* Stress is laid on moral instruction for children of all ages.

A syllabus must be drawn up for each school and approved by the Board. It should be arranged with reference to the needs of that school. For this purpose the Board will in proper cases sanction considerable modifications of the curriculum.†

A time-table must also be prepared and hung in a conspicuous place. It must bear the signature of an Inspector, and also a certificate by the Local Education Authority, or by the managers, that it is in accordance with the bye-laws and directions of such Authority as to secular education. It may be seen by any parent out of school hours.

Head Teachers.—Each school and department must have a responsible Head Teacher. He must be (*a*) certificated; (*b*) have the service required for endorsement (*see* p. 75); (*c*) have completed an approved course of training (unless certificated prior to the 1st August 1910).

The Board has power to modify these requirements where the candidate is of special fitness, or in the case of small schools or departments, or where there is special difficulty in obtaining a suitable teacher. Existing Head Teachers not so qualified and appointed before the 1st August 1909 (or in certain cases 1st August 1914) may be continued by the Board,

* Some of these requirements may be carried out by classes away from the school.

† *E.g.* in a country school more time may be given to Nature Study and practical subjects suitable for country children.

who may also permit in special circumstances an unqualified person to act as Head Teacher for a period not exceeding three months (excluding holidays).

Staff.—This must be adequate. A minimum is laid down in which for the Head Teacher 35 pupils are allowed, for each certificated assistant 60, for each uncertificated assistant 35, and for each student, or supplementary teacher, 20 (these figures being based on average attendance), but the Board need not regard this minimum as adequate. The number of children under one teacher must not exceed 60.

Assistant Teachers must in general be certificated, uncertificated, or Student Teachers, though at present Supplementary and Pupil Teachers may be recognised. No class may be put under the charge of a monitor or of an attendant engaged at a school, and no child of school age may be employed as a monitor.

Teachers.—A teacher must be employed under a written agreement, or a minute of a Local Education Authority. It must be a term of his appointment that he is not required to do any work not connected with the work of the school (or with the instruction of pupil teachers), or to abstain outside school hours from any occupation which does not interfere with his work.* There are special rules regulating the employment of pupil and student teachers.†

A teacher in a Public Elementary School may serve on a Local Education Authority or Education Committee, but may not serve as a manager of such a school unless he is required to do so by the rules of an Education Committee of which he is a member. He may not in any case be a manager of his own school, or a correspondent for any Elementary School. As a general rule, no teacher will be recognised as part of

* But a clause requiring him to live within a certain distance of the school is probably permissible.

† Minimum salaries for different classes of teachers are fixed by the Board.

the staff who is employed by a Local Education Authority otherwise than for teaching. No clerk in Holy Orders, or regular minister of a congregation, can be recognised as part of the staff of a Public Elementary School.

Premises and Equipment.—The school premises must be satisfactory to the Board, and must be kept clean and in proper repair. Alterations of importance (including any affecting the area of the school-rooms, or amount of light, or any alterations which are to be paid for out of a loan) must have the previous approval of the Board, and this, of course, applies to new schools.*

The Board fixes the number of scholars who can be taught in any school, and the average number taught must not exceed this limit.

Satisfactory supplies of books and other equipment must be provided.

Attendance.—No attendance may be reckoned for scholars under three or over the age to which they are permitted to remain at a Public Elementary School (*see* p. 21); nor for scholars who have not received two hours' (for infants one and a half hours') secular instruction, inclusive of the authorised period for recreation. But time may be included which is occupied by authorised attendance at Pupil Teacher Centres, or by medical examination or treatment, or (under authorised arrangements) for classes in the open air, or at other places than the school, or for organised games.

A school or department must meet at least 400 times a year, unless prevented by causes (*e.g.* medical requirements) approved by the Board. The average

1911, sec. 13.

38 & 39 Vict. c. 55, sec. 157.

* Where the plans of new buildings have been so approved by the Board, the buildings are exempt from the operation of bye-laws made under Section 157 of the "Public Health Act, 1875," or under local Acts.

attendance of a department is found by dividing the total attendances by the number of meetings, and the sum of the average attendance in each department maintained by a Local Education Authority in each year (reckoned from 1st April) fixes the grant. No attendance may be counted for a person employed as a monitor.

Recognition and Grants.—For recognition as a Public Elementary School a school must comply with the requirements both of the Education Acts and the Code.

For a school or department to become recognised application must be made to the Board, who will consider (*inter alia*) whether it is necessary.

In the case of a voluntary school seeking recognition, security is required that eighteen months' notice will be given before it is closed, and if the managers are unable to carry it on during this time, the Local Education Authority may have the use of the school-house and furniture free of charge, but such Authority is liable for the upkeep of, and outgoings for, the school-house.*

A school may be removed from the list (after warning) for non-compliance with requirements, or the Board may in its discretion withhold part of the grant. To be entitled to the full grant a school must not only comply with the requirements of the Acts and Codes (including those as to the adequacy of the staff and salaries paid), but must make proper provision for the progress of the older scholars, by courses of advanced instruction or otherwise, and also for the teaching of practical subjects.

VI. CONTINUATION SCHOOLS AND CLASSES.

The "Part II." Local Education Authority shall, alone or in co-operation with other Authorities, 1918, sec. 3.

* This is now a statutory provision. 1918, sec. 30.

arrange, in accordance with schemes to be submitted to and approved by the Board, for the establishment and maintenance of continuation schools and classes, and the attendance of young persons thereat.

These schools may be either provided by the Council, or it may assist schools otherwise provided, but all these schools must be under the control of the Council. The managers of these schools should include representatives from any "Part III." Authority whose district they serve. All such schools and classes must be free.

1918, sec. 10 (1). Young persons under eighteen must attend continuation classes at the prescribed times and places. The instruction shall be arranged at such times and seasons as may suit the locality, and shall amount to 320 hours per year, but during the first seven years, from 1st September 1919, this may be reduced by the Authority to 280 hours.*

1918, sec. 10 9). The Education Authority shall, as far as practicable, allow the young person (or if under sixteen, his parents)

1918, sec. 10 8). to choose the continuation school, and can only require him to attend at a continuation school at his place of employment with his own consent, which

1918, sec. 10 (9). may be withdrawn at a month's notice.† The young person (or if he is under sixteen, his parents) may object to any instruction which is contrary or offensive to his religion, and he need not then attend such

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1918, sec. 12. * A "year" for this purpose is reckoned from the time when the young person ceases to be a child. In the case of children

1918, sec. 9. attending Public Elementary Schools, this is the end of the school term after they reach fourteen, so that for continuation school

1918, sec. 48. purposes the "year" commences at this date. As, however, young persons are exempt from attending continuation schools on their eighteenth (or sixteenth) birthday, the last "year" will be less

1918, sec. 10 (1). than twelve months. In such cases the number of hours' attendance is to be fixed by the Authority. In the case of young persons from secondary schools the "year" commences and ends with their birthdays.

1918, sec. 10 (8). † Schools at a place of employment must be open to inspection either by the Authority or the Board. Of course, if they are to be assisted by the Authority they must be under its control (which implies inspection) as stated above.

instruction. In such case the Authority shall, if practicable, arrange for other instruction, or a change of school. No young person shall be required to attend between 7 P.M. and 8 A.M., or on Sundays (or other days which his religion sets apart wholly for religious observance; *see* p. 69), nor (so far as practicable) on any holiday or half-holiday recognised in his trade. These hours may be varied by the Local Education Authority (with the consent of the Board) in cases where the hours of employment are abnormal. An employer is bound to release a young person for the purpose of attendance, and may also be required to release him for any further period in that day (not exceeding two hours) which the Authority may consider necessary to enable him to obtain full advantage from such education. If the employer thinks this period unreasonable he may appeal to the Board. 1918, sec. 10 (7). 1918, sec. 10 (6).

Young persons above the age of sixteen are exempt in all cases for seven years from the 1st September 1919, or if they have attained that age within that period. They are also exempt if they have passed a matriculation or equivalent examination, or have been under full-time instruction up to the age of sixteen.* 1918, sec. 10 (1) and (2).

Young persons who are fourteen on the appointed day, or are shown to the satisfaction of the Authority to be receiving satisfactory whole or part-time education in another manner, and certain young persons engaged in sea service, are also exempt.* 1918, sec. 10 (3) and (4).

In case of a dispute between a young person (or his parent) and the Authority as to whether his present or past instruction is such as to entitle him to exemption, the Board may decide.† 1918, sec. 1 (5).

A young person failing to attend as required, except for sickness or unavoidable cause, is liable to penalties, 1918, sec. 11.

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* These exemptions do not apply if the young person has informed the Authority that he wishes to attend. 1918, sec. 10 (2).

† The Board *may*, however, decline to consider cases where the education, said to be satisfactory, is, or was, at a school not open to inspection by the Local Education Authority. 1918, sec. 10 (5).

as are his parents if they have conduced to or connived at such failure.

1918, sec. 12. Notice as to attendance and suspension of employment, and the issue of certificates of age, attendance, and exemption, are to be in the form prescribed by the Board, and various provisions of the Education Act as to Elementary Education, including those relating to enforcing attendance, apply to continuation classes.

1918, sec. 50, and Sch. 1.

1918, sec. 3. The curriculum for such schools is not laid down.* Probably in most cases it will be partly general and partly vocational, and where possible several classes will be arranged so that young persons can be classified according to sex, abilities, and vocations. Schemes are to be submitted by the Authority to the Board, dealing with curriculum, premises, equipment, etc., and when these are approved they will be put in force by the Authority. At first it is unlikely that there will be special buildings available, and the classes will probably be held at convenient times at schools, evening institutes, etc. All these points should be dealt with in the schemes.†

VII. HIGHER EDUCATION.

Authority.—The Authority concerned with the matters dealt with in this section is generally the "Part II." Authority, though most of the powers can be exercised by a "Part III." Authority, subject to the rate limit (*see* p. 90).

1902, sec. 2. *Definition.*—"Higher Education" is used throughout this book for what the statutes generally call "Education other than Elementary." It includes all forms of education other than those given in Elementary Schools and also the training of teachers.

1902, sec. 22 (3).

1918, sec. 3 (2).

* The Act suggests that where possible the Authority should co-operate with a university for the holding of lectures and classes to be attended by suitable pupils.

† *See* Circular 1119 and pp. 16 *et seq.*

Powers and Duties of Authorities.—Prior to the 1918 Act the only enactments as to such education were permissive, *i.e.* an Authority might take such steps as it thought fit, subject to the approval of the Board and certain limits as to expenditure. There was no power for the Board to compel any step to be taken, nor could any person demand any form of Higher Education as a right. Consequently the only controlling force was the power the Board had to give or refuse grants, and its regulations were practically the only law.* The 1918 Act has altered the law in two respects. Firstly, by establishing "continuation classes" (*see* Section V.); and, secondly, by providing that schemes dealing with secondary education *shall* be prepared, and when approved *shall* be carried out (*see* Section III.). This allows each Authority, subject to the approval of the Board, to make the appropriate law for its own requirements, but till this is done the law remains as stated above.

The powers as to Higher Education may be exercised irrespective of locality, *i.e.* an Authority may assist such education wherever given, and whether or not those educated are resident within its area.

An Authority has power to take over Technical Institutes, etc., under private management, with the consent of the managers and the Board. 54 & 55 Vict. c. 61, sec. 1.

The educational machinery dealt with by a "Part II." Authority may be briefly classified as follows:—

Continuation Classes.—These provide part-time education for young persons from the time they leave school till they are sixteen, which age will ultimately be raised to eighteen. They are free and compulsory and may be "provided" or "aided" (*see* Section VI.).

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* These regulations, however, have no statutory force as in the case of the Elementary "Code" (*see* note on p. 31). As to "Religious Instruction," *see* p. 70.

Secondary Schools are adapted for children and young persons from eleven to seventeen or later. The subjects cover most of those required for a "liberal education," and pupils from such schools should be fit to proceed to a university. The education is not wholly free, but one-quarter of the places in schools which receive grants are free to pupils from Public Elementary Schools.

University Education.—"Part II." Authorities may aid universities and colleges by grants, and may also aid scholars by scholarships and maintenance grants.

Technical Institutes, Polytechnics, Junior Technical Schools, Art Courses, etc., provide education which may be part or whole-time and vocational or non-vocational. In general they are not free, though fees may be wholly or partially remitted in proper cases. They may be "provided" or "aided." Certain of these are briefly dealt with at pp. 44 and 45.

1918, sec. 23. *Research.*—A "Part II." Authority may contribute towards the expenses of Research where such Research promotes the efficiency of teaching or advances study, and may make grants to institutions for this purpose.

Training of Teachers.—*See* p. 47.

Scholarships and Bursaries.—*See* p. 47.

Secondary Schools.*

The following is a brief résumé of the requirements of the Board in regard to these schools :—

Definition.—A Secondary School must offer to each of its pupils an approved progressive course of general education with a curriculum, as outlined below, suitable for pupils from twelve to seventeen.

It must have the necessary organisation, staff, and

* *See* Grant Regulations, No. 10.

equipment for this purpose. The provisions for pupils under twelve (if admitted) must be suitable, and their instruction related to that given to other pupils.

Curriculum.—This must include English Language and Literature, at least one other Language, History, Geography, Mathematics, Science (including practical work), and Drawing. Provision must also be made for organised games, Physical Exercise, Manual Instruction, and Singing, and (for girls) various branches of Domestic work. These subjects may be varied in certain cases with the leave of the Board.

Age and Period of Instruction.—An "adequate" proportion of the pupils must remain at least four years at the school and up to the age of sixteen. The Board decides on what is "adequate" in each case.

Terms.—The school must meet for at least thirty-six weeks a year (unless closed by medical orders).

The school year is from 1st August to 31st July.

Teaching Staff.—This must be adequate for the curriculum. Not more than thirty (or in some cases thirty-five) pupils may be taught together. The salaries of the teachers must not depend on the grant earned. Teachers may not undertake other duties interfering with their school duties. The Board may require a proportion of new appointments to be from teachers who have had a recognised course of training.

The Scheme or Trust Deed must not impose any denominational restriction on teachers.

Fees and Free Admissions.—No pupil may be refused admission except on grounds which the Board considers reasonable. If fees are charged they must be reasonable and cover all subjects, and the use of

all apparatus (including stationery), and be the same for all pupils whatever their age. The Board may, however, allow a difference for pupils from different areas, a reduction for members of the same family, and a charge for books and mathematical instruments. At least one-quarter of the places must be free and for the use of selected pupils from Elementary Schools.

Management.—The school must be conducted by a governing body under a written Scheme, Deed, or the like. Where the school is not managed by a Local Education Authority, either the majority of the governors must be "Representative Governors," * or one-third of them must be appointed by the Local Education Authority or Authorities.

A correspondent with the Board must be appointed.

Other Requirements.—The school must not be conducted for private profit. It must have at least twenty pupils over twelve years of age. The school must not compete unduly with others. The premises must be satisfactory. The school must be open to inspection, the time-table approved, and all returns asked for furnished. Pupils must be submitted for examination when required by the Board, and on the other hand must not be entered for any external examination in general subjects (below the standard of an approved first examination) without leave of the Board, except for a scholarship examination or an examination held under a statutory scheme.

Requirements Waived.—Where a school is receiving the full grant, or a modified grant, in spite of the fact that it does not comply with certain requirements as to absence of religious tests for teachers or pupils, or as to management, these grants will be continued

* *I.e.* governors appointed by a body such as a Council or Parish meeting, or by virtue of holding certain elective offices.

for the present, but the Board contemplates their withdrawal if its requirements are not complied with.

Recognition.—A school fulfilling all these requirements may receive a grant. If not already recognised, application should be made before the 1st July in any year (in special cases the application may be made before the 1st December). If, after consultation with the Local Education Authority, the Board recognises the school, it becomes eligible for a grant. Recognition may be withdrawn at any time.

List of Efficient Schools.—Where a school fulfils the requirements given above under "Definition" and "Curriculum" but is not eligible for, or does not desire, a grant, it may apply to be placed on the "List of Efficient Schools." This list (which includes all schools on the grant list) is in two parts: (*a*) those schools complying with the requirements given above under "Age and Period of Instruction"; (*b*) Preparatory Schools, having at least thirty pupils covering an age range from nine to thirteen, who normally continue their education at another Secondary School.

For a school to be placed on the list the Board must be satisfied as to the instruction, staff, premises, and equipment. The inspection will be free, and a report will be sent to the Head of the school, and also to the Local Education Authority. Such report may only be published with the consent of the managers, and must then be published as a whole. While a school is on the list it must be open to inspection, and it may be removed from the list at any time.

Advanced Courses.—A school in receipt of a grant may be considered as providing "Advanced Courses" in (*a*) Science and Mathematics; (*b*) Classics; (*c*) Modern Studies (*i.e.* certain branches of Modern

Languages, Literature, and History). In such cases it may receive a grant not exceeding £400 for each recognised course.*

A school not receiving grants which is on the list of "efficient schools," and which provides a similar course, is specially marked on such list. Additional grants may also be made where special or experimental work is organised, or a teacher sent to another school to gain enlarged experience.

Regulations for other Institutions.†

Junior Technical Schools.—These give two and three year full-time Industrial Courses, under school conditions, to pupils who normally enter from Elementary Schools at thirteen or fourteen. The minimum of instruction is thirty-six weeks of thirty hours each, all instruction being given before 6 P.M.; 80 per cent. of possible attendances must normally be made to earn grant.

Technical Institutions.—Pupils must have been three years at a Secondary School, or be over sixteen and educationally qualified for advanced Instruction. Courses may be in Science or Art, and must extend over two years.

Evening Schools.—These are intended for persons occupied during the day. The work is of the widest character, including instruction for the purpose of improving the pupil's general education, and vocational and non-vocational subjects of all kinds. Much of the first class of instruction will disappear owing to the existence of continuation classes, and the lower limit of age—now twelve—will probably be raised.

* These courses must extend over two years. Application for their recognition must be made prior to 1st July previous to the commencement of the course.

† *See* "Regulations for Technical Schools, etc." (Cd. 9152).

There is no superior age limit. The normal term only includes the winter months, but many short courses are organised in the summer. A very important part of these schools is their social side, and 1918, sec. 17. Authorities may aid this as well as the purely educational work.

Schools of Art and Art Classes.—Schools of Art must give organised courses of instruction for at least thirty-six weeks in the year. Day classes must meet twice and evening classes three times a week. A teacher must hold the Board's certificate or have certain other approved qualifications.

Art Classes are subject to similar regulations, but need only extend over twenty-eight weeks in the year, with three meetings each week.

University Tutorial Classes.—These must be conducted under the supervision of a University, must extend over three years, and occupy at least two hours a week for twenty-four weeks per year. Advanced single-year courses may also be recognised, and additional grants made for vacation courses. These courses must be non-vocational.

In all the above cases (except University classes) the grant is conditional on proper management and instruction and suitable premises, equipment, etc. At least 25 per cent. of the expenses must be met from sources other than grants (*e.g.* fees, aid from Local Authority, etc.). Fees must normally be charged, or reasons given for remitting them. There must be proper time-tables, syllabuses, etc.

VIII. AUXILIARY POWERS.

Besides those powers which appertain especially to Elementary or Higher Education, a Local Education Authority has certain auxiliary powers.

1918, sec. 21. *Education of Children in Exceptional Circumstances.*—A Local Education Authority may make provision, with the approval of the Board, for the education of children who from exceptional circumstances (*e.g.* position of their homes or home conditions) cannot fully benefit from the ordinary facilities. These arrangements may include provision of board and lodging, but if the child is boarded out it should, where possible, be with a person of the same religion if his parent so requests. Agreements with parents may be made for these purposes. These provisions are not compulsory either for Authorities or parents.

1902, sec. 23 (1). *Conveyance to and from School.*—A Local Education Authority may provide vehicles or pay fares for teachers or children attending schools or colleges.

1918, sec. 17. *Social and Physical Training.*—The Local Education Authority may (with the approval of the Board) arrange facilities for physical and school training, and in particular for holiday and school camps, centres and equipment for physical training, playing fields, and school baths and swimming baths.* These powers may be exercised by "Part III." Authorities for children attending Elementary Schools, and by "Part II." Authorities for other persons (including those over eighteen).

1906, sec. 1. *Provision of Meals.*—A "Part III." Authority may take such steps as it thinks fit for providing meals
1914, sec. 2. for children † attending a Public Elementary School, both on days when the school is open and when it is closed, and for this purpose it may associate itself with voluntary committees (known as "School Canteen Committees"), and provide premises, furni-

* Expenditure on play centres comes within these provisions.

1906, sec. 5 (2). † There is no limitation as to age.

ture, attendance, etc., but shall not incur any expense in regard to food except in the case of children who, by reason of lack of food, cannot derive full benefit from their education. In this case the Authority, if it has ascertained that there are not sufficient funds from other sources to supply meals, may expend money on the provision of food. The cost of meals supplied shall be charged to the parents, and is recoverable from them summarily as a civil debt by the Local Education Authority. Where the meal has been supplied by the School Canteen Committee a fair proportion of the amount recovered is paid over to them. The provision of a meal or failure to pay for the same does not expose a parent to any civil liability. No teacher can be compelled to assist or abstain from assisting in the work.

1906, sec. 3. 1914, sec. 1. 1906, sec. 2. 1906, sec. 6.

Supply and Training of Teachers.—It is the duty of "Part III." Authorities to make provision (in conjunction with "Part II." Authorities) for the supply and training of teachers. The method of training teachers is dealt with in Section XVI.

1918, sec. 2 (1) (*c*).

Scholarships and Bursaries.—Scholarships and Bursaries may be given by an Authority to pupils over twelve at Elementary Schools, and to any person at other schools, colleges, or hostels, whether within or without the area of the Authority. Such Scholarships or Bursaries may include maintenance grants.*

1902 sec. 23 (2). 1907, secs. 11 and 12. 1918, sec. 24.

Choice of Employment.—A "Part II." Authority may (with the approval of the Board) assist children or young persons under eighteen in the choice of employment, by collecting and furnishing information and giving advice. Arrangements may be made for delegating part of these powers to "Part III."

1910, sec. 1. 1918, sec. 22.

* The expenses, except in the case of children at Elementary Schools, must be charged to Higher Education account.

1902, sec. 13 (2).

Authorities or co-operating with them, and for the payment of expenses by the different Authorities.

1918, sec. 38. *Conferences.*—A Local Education Authority may contribute to the cost of educational conferences and the attendance of representatives. Such expenditure must be specially authorised or ratified by resolution of the Council (or Education Committee) after due notice. The consent of the Board is required (*a*) for conferences outside the United Kingdom; (*b*) if more than three representatives are sent; or (*c*) if the expenditure was not duly authorised.

The subscription to any one conference cannot exceed £2, 2s., or 2s. per 1000 inhabitants of the Authority's area (whichever is the greater) without the consent of the Board. An annual subscription of £5, 5s. for areas with less than 20,000 inhabitants, and of £10, 10s. for larger areas, may be paid to an association arranging such conferences.*

Medical Treatment.—*See* Section XV.

IX. VOLUNTARY ASSOCIATIONS.

Voluntary Associations.—The Education Acts permit and encourage the co-operation of Local Education Authorities with Voluntary Associations for certain purposes, *e.g.* Provision of Meals (*see* p. 46), Nursery Schools (*see* p. 67), Social and Physical Training, etc. These bodies are not agents of the Authority, and the latter is not responsible for their acts or contracts.

These Associations are generally quite unorganised, and have no legal standing. Generally the only persons liable on their contracts are those who have actually made such contracts, or authorised or ratified them. The same principle applies to liability for the acts or negligence of agents—to make any person

* *See* S.O. 438 of 1918.

liable it would be necessary to show that the agent was the servant of such person or acted by his orders.

If a person, *e.g.* a manager, is held liable, he has generally no right of redress from other managers, except in the case of a contract on which they are also liable.

Subscribers are in no way liable, nor can their subscriptions be enforced by law, except in certain cases where liability has been incurred on the faith of their promises.

Besides the examples mentioned above, Children's Care Committees are often formed, and co-operate with the Local Authority.

The following institutions, viz. Day Nurseries and Schools for Mothers, are assisted by the Board when provided by Voluntary Associations. There do not appear to be any provisions empowering a Local Education Authority as such to provide or maintain such institutions.

*Day Nurseries.**—These are intended for children who cannot be properly cared for at home during the day. Normally the children should be under three years of age, but older children may attend by leave of the Board.

Grants may be made by the Board for these nurseries provided that there is a proper body of managers (with a correspondent), that the institution is not for private profit, and that it is properly conducted and that proper records are kept.

The children should normally attend for at least nine hours on five days a week.

The Board in making grants considers the suitability of the premises, care of the children, co-ordination with other institutions and with Educational and Sanitary Authorities, etc.

* *See* "Regulations under which Grants are Payable by the Board of Education to Day Nurseries in England and Wales."

*Schools for Mothers.**—These are intended to instruct mothers and expectant mothers in the care of infants and little children, and systematic classes of instruction in these subjects *must* be held if help from the Board is sought. "Infant consultations" for mothers attending the school and home visiting may also be undertaken. Food for expectant and nursing mothers and for children under five may be provided under certificate from a medical officer.

The Board does not make grants to schools of which the whole expense is borne by a County Council or Sanitary Authority.

These institutions must have responsible managers and a correspondent, and must not be conducted for profit. Proper records of visits and attendances must be kept.

The Board in making grants will consider the provisions made for co-ordinating the work of the institution with that of other similar schools, Maternity Centres, Infant Dispensaries, the School Medical Services, and the Sanitary Authority.

X. SPECIAL SCHOOLS.

Special School.—This term is used for schools for blind, deaf, epileptic, and defective children. These are all under the control of the "Part II." Authority.

1893, sec. 15. *Definitions.*—"Blind" means too blind to read the ordinary school books used by children.

1893, sec. 15. "Deaf" means too deaf to be taught in an ordinary class of hearing children in an Elementary School.

1899, sec. 1. "Epileptic" means that a child, not being an idiot or imbecile, is unfit, by reason of severe epilepsy, to attend the ordinary Public Elementary Schools.

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* *See* "Regulations under which Grants to Schools for Mothers in England and Wales will be made by the Board of Education," and "Memorandum on Class Instruction at Schools for Mothers" (Circular 912).

"Defective" means that the child, not being merely dull and backward, and not being imbecile, is by reason of mental or physical defects incapable of receiving proper benefit from the instruction in the Public Elementary Schools, but is not incapable by reason of such defects from receiving benefit from instruction in special schools or classes. 1899, sec. 1.

"Idiots" and "Imbeciles" (defined in the next section) are excluded from the above classes, as are "Mental Defectives," *i.e.* those *unsuitable even for special schools.* It should be noted that the same word "defective" is used to describe children dealt with by the Educational Authorities in special schools, and also children who are of such low mental status that they have to be transferred to other Authorities. The latter class are dealt with in the next section.

Persons coming within these definitions are subject to compulsory education till the end of the school term after their sixteenth birthday, and cannot be granted exemption, total or partial; but, if over fourteen, they may be employed out of school hours, except in a mine, workshop, or factory, unless such employment is prejudicial to their health or education (*see* p. 85). 1893, sec. 11. 1899, sec. 11. 1918, sec. 9 (1).

Certification of Children.—There is no special machinery provided for deciding what children are blind or deaf.

The Local Education Authority must make provisions for deciding what children are epileptic or defective,* and these provisions must permit of a parent presenting a child for examination on his own initiative. A parent *must* bring his child for examination if required by the Local Education Authority. The certificate shall be given by a practitioner 1899, sec 1. 1918, sec. 20. 1914, sec. 6.

* The duty in the case of epileptic and physically defective children is deferred till the appointed day for Section 20 of the 1918 Act.

approved by the Board, who may be required to consult the head teacher of a school attended by the child (or a substitute named by the Authority), and
1914, sec. 1 (3). shall forward the report of such person to the Authority. In a case of doubt the Board decides as to the child's state. This certificate is *prima facie* evidence
1914, sec. 7. of the child's state unless the parent requires the doctor to be called, and binds the Court in the
1899, sec. 2 (5). absence of further evidence. Epileptic or defective children shall be examined periodically to see if they are fit to attend an ordinary school, and the parent may demand such examination at intervals of six months. If, as the result of such examination, the child is discharged from the special school, the
1914, sec. 7. certificate is returned to the parent, and cannot be used in evidence without the consent of the child or parent.

1893, sec. 1. *Duties of Parents of Blind and Deaf Children.*—It is the duty of the parent to see that a deaf child (over seven years of age) or a blind child receives Elementary Education suitable to his condition. It is not a reasonable excuse for such child not attending school that there is no suitable special school within reach of his home. This in effect compels the parent, if he cannot otherwise provide education, to consent to the child being sent to a residential special school,
1893, sec. 10. but he has the right to a reasonable choice of such
1893, sec. 9. school. He must contribute to the expenses of keeping the child such a sum as may be agreed or settled by a Court of Summary Jurisdiction.

1899, sec. 4. *Duties of Parents of Epileptic and Defective Children.*—A parent is responsible that an epileptic or
1918, sec. 20. defective child receives suitable education from the age of seven upwards. It is not a reasonable excuse for such a child failing to attend school that a guide or conveyance would be necessary, if there is a special school or class within reach.

The Local Education Authority may apply for an order that such a child, who is not receiving proper education, may be sent to a special school or class. An order to send a child to a school or class out of reach of his home shall not be made without the parent's consent, unless the Court considers that such consent is withheld without reason and not from a desire to benefit the child. The school to which the child is sent shall be, if practicable, chosen by the parent. Such child may be withdrawn later if the parent shows he can educate it. An epileptic or defective child cannot be committed to an Industrial School for failing to obey an attendance order. The provisions for contribution are as for blind children. 1914, sec. 5.

Saving for Parental Franchises.—A parent is not subject to any disability or disqualification, nor can he be deprived of any franchise right or privilege, because of payments made (by public authorities) on account of children in special schools. 1893, sec. 10. 1899, sec. 8.

Duties of the Local Education Authority.—The Local Education Authority is responsible for providing Elementary Education (which includes industrial training) for blind and deaf children. For this purpose they must provide special schools, or arrange for the children to attend special schools belonging to other Authorities or persons. 1893, sec. 2.

There are similar responsibilities in the case of defective and epileptic children over the age of seven (an Authority *may* provide for children under this age) which may be met in the same way,* but 1914, sec. 1. 1918, sec. 20.

* The Authority is not bound to provide residential schools for any class of these children unless there are forty-five children of that class in its area, and may close a school where the attendance for three years has been less than fifteen. There is no obligation to provide such schools for epileptic or physically defective children until seven years after the appointed day for Section 20 of the 1918 Act to come into force, except in the county of London. Until the appointed day the provisions set out in this paragraph are not obligatory except for mentally defective children.

in this case special classes may be conducted in ordinary schools, and guides and conveyances provided to take the children to school. The Authority shall, where possible, consult the parent's wishes as to the mode of education, and shall only send a child to a certified residential school if no other means of education are available. The Council of a borough or urban district may by agreement transfer its powers to the County Council.

1914, sec. 4.

1899, sec. 2.

General Provisions.—Co-operation between Authorities is encouraged. Authorities may found joint schools or contribute to the provision and maintenance of schools provided by other Authorities. Before establishing a school an Authority should consider the existing supply in other areas. But there is no obligation to accept a child from another area, and if this is done there should be an agreement providing for the maintenance of such child by the Authority responsible. A defective or epileptic child is considered to belong to the area where its permanent home is.* There is no definite provision in the case of blind or deaf children sent to a school in another area, but probably the Authority which sent the child to school remains liable.

1914, sec. 8.

1893, sec. 2.
1899, sec. 10.

Duty of Guardians.—The Guardians are responsible for the education of blind, deaf, epileptic, or defective children resident in poor-law institutions or who are boarded out by them, and the Local Education Authority is not bound to receive such children, and if they are received the Guardians must pay an agreed sum. They are not, however, liable in the case of children already at a residential special school, because, owing to some subsequent event, *e.g.* the

* The Board may decide any question as to which Authority is responsible for the child and as to any payments to be made between Authorities.

death of the parent, they would have been bound to maintain the child if not at the school.

Grants by the Board.—The Board, as part of its consolidated grant, pays one-half of the Local Education Authorities' expenditure in connection with these children.

Certified Schools.—Any school to which a child is sent (whether day or residential) under these provisions must be a "certified efficient school." Such a school, unless managed by the Local Education Authority, must satisfy the following conditions:—(*a*) it must not be conducted for private profit; (*b*) the accounts must be properly audited; (*c*) it must be open to inspection; (*d*) it must be conducted according to the 1893 Act. All schools must have managers, and non-provided schools a correspondent. A yearly report must be sent to the Board. 1893, sec. 7. 1899, sec. 5.

There are various requirements as to buildings, curriculum, etc., fully set out in the Grant Regulations. Schools for different classes of children, *e.g.* mental and physical defectives, must be structurally separate, though they may have the same head. Children may be boarded out near the school with persons of good character and, if possible, of the child's religious denomination. In this case there must be a boarding-out committee.

Children must not be received under five or remain after the end of the term in which they reach sixteen without the leave of the Board, nor must children remain who cannot profit by the instruction or who exert a bad influence (*see* next section).

XI. MENTALLY DEFECTIVE CHILDREN.

Authorities.—For the purposes of this section the Local Authority is the County Council, who appoint a 1913, secs. 27 and 28.

Committee for the care of the Mentally Defective.* Where the Local Education Authority is mentioned
1913, sec. 2. the "Part III." Authority is meant. The Central Authority is the Board of Control set up under the Mental Defectives Act, 1913.

1913, sec. 1. *Definitions.*—There are four classes of Mental Defectives, defined as follows :—

Idiots—i.e. persons so deeply defective in mind from birth or from an early age as to be unable to guard themselves against common physical dangers.

Imbeciles—i.e. persons in whose case there exists from birth or from an early age mental defectiveness not amounting to idiocy, yet so pronounced that they are incapable of managing themselves or their affairs, or in the case of children of being taught to do so.

Feeble-minded Persons—i.e. persons in whose case there exists from birth, or from an early age, mental defectiveness not amounting to imbecility, yet so pronounced that they require care, supervision, and control for their own protection, or the protection of others, or in the case of children that they by reason of such defectiveness appear to be permanently incapable of receiving proper benefit from the instruction in ordinary schools.

Moral Imbeciles—i.e. persons who from an early age display some permanent mental defect, coupled with strong vicious or criminal propensities, on which punishment has had little or no deterrent effect.

1913, sec. 2 (2) and sec. 31 (1). It is the duty of the Local Education Authority to make arrangements (on the lines required in the case

1913, sec. 34. * Except for Lancashire, where the Lancashire Asylums Board is the Local Authority for Lancaster and the county boroughs represented on the Board.

of the 1899 Act; *see* p. 51), for ascertaining what children within their area are mentally defective.

It shall also determine whether any of these children (over the age of seven) are incapable of benefiting from instruction in special schools or classes, or whether their attendance at such classes would be detrimental to the other children (any case as to which there is a doubt being determined by the Board), and notify their names and addresses to the Local Authority under this Act. Similar notification is to be made in the case of children who are about to be withdrawn from a special school or class and whom the Local Education Authority considers should be sent to an institution or placed under guardianship, and in the case of other children if the Board has certified that in their opinion they should be dealt with in this way.

A Court may send a child to an institution instead of an Industrial School, and a child in an Industrial School may be removed to an institution by order of the Home Secretary. 1913, secs. 8 and 9.

The Local Authority has no powers or duties with regard to children between the age of seven and sixteen till they have been ascertained by the Local Education Authority to be defective. When a child is in an institution the Local Education Authority has no further responsibility for him, financial or otherwise. Parents of idiots and imbeciles, and of other mental defectives under twenty-one, may, on compliance with certain conditions, place them in an institution or under guardianship. 1913, sec. 30 (IV.). 1913, sec. 3.

XII. REFORMATORY AND INDUSTRIAL SCHOOLS.

Authorities.—In this section "Local Authority" means the Council of a county or county borough, and "Local Education Authority" the "Part III." 1908, secs. 14 and 131.

Authority. The Central Authority is the Home Office.

1908, sec. 44. *Definitions.* — "Reformatory School" means a school for the industrial training of youthful offenders. "Industrial School" means a school for the industrial training of children. In both the inmates are lodged, clothed, and fed as well as taught.

1908, sec. 77. A "Day Industrial School" is a school where children are given Elementary Education, Industrial Training, and one or more meals a day, but are not lodged or clothed.*

1908, sec. 45. 1908, sec. 77. 1908, sec. 47. 1908, sec. 49. *Certification.*—All these schools must be certified by the Home Office. Such certificate can be withdrawn, but (except in the case of a Day Industrial School) six months' notice must be given. After such a notice is received no more inmates may be taken, but those already in the school must be maintained till the certificate is withdrawn, or until the Parliamentary contribution is discontinued, unless the Home Secretary directs otherwise. Notice may also be

1908, sec. 47. given that no fresh inmates shall be received either

1908, sec. 48. for a specified time or until the notice is withdrawn. The certificate may be resigned on six months' notice (or one month's notice in the case of the death of a sole proprietor), no fresh inmates being received during this period. On a school ceasing to be certi-

1908, sec. 50. fied the inmates are discharged or transferred to other

1908, sec. 46. schools on the Home Secretary's order. All certified

1908, sec. 62 (2). schools are inspected by Home Office Inspectors at least once a year. There are also special schools of both classes to which children or youthful offenders who are physically or mentally defective may be sent.

1908, sec. 51. Auxiliary homes attached to one or more schools may be similarly certified, and shall, while holding a certificate, be regarded as part of such school.

* A school shall not be at the same time a Day Industrial School and a Reformatory or Industrial School (1908, sec. 77 (3)).

Managers and Discipline.—These schools may be under private managers, who may conduct them for purposes of profit, or under public authorities. The persons for the time being having control are deemed the managers. They are not bound to receive any child or youthful offender, but having received him must maintain and educate him for the whole period of his detention, unless the certificate or the Parliamentary contribution is withdrawn. 1908, sec. 44 (2). 1908, sec. 52.

Where a child under the age of eight is received he may, with the Home Secretary's leave, be boarded out for any period, but shall still be considered to be detained in the school. Rules for management and discipline must be approved by the Home Secretary, as must any substantial alterations or additions to the school. The limitations on the times of employment of children do not apply to children in Industrial Schools. 1908, sec. 53. 1908, sec. 54. 1908, sec. 55.

Who may be sent to Reformatory Schools.—A youthful offender between the ages of twelve and sixteen convicted of an offence for which the penalty is imprisonment may, in lieu of any other punishment (or in addition to any other punishment except imprisonment), be ordered to be sent to a Reformatory School. If no such school can be found to receive him he may, by order of the Home Secretary, be brought before the Court again and otherwise dealt with. 1908, sec. 57.

A child over the age of twelve in an Industrial School who escapes from the school, or is guilty of committing or inciting to serious and wilful breaches of its rules, or exercises an evil influence over the other children, may also be sent to a Reformatory School. 1908, sec. 71 (2). 1908, sec. 72 (2). 1908, sec. 69 (2).

A youthful offender who has been sentenced to imprisonment or penal servitude may be pardoned on condition of going to a Reformatory School. 1908, sec. 84.

1908, sec. 58.

Who may be sent to an Industrial School.—Any person (including the Local Education Authority) may bring before a Petty Sessional Court a child who

(*a*) Is found begging or receiving alms, or is in a street or other place for that purpose, whether or not a pretence is made of selling, singing, playing, etc.

(*b*) Is found wandering, and is either without a home or visible means of subsistence or has no guardian exercising proper control. In the case of children over five a guardian who wanders from place to place and makes no proper provision for the child's education comes within this definition.

(*c*) Is destitute and has both parents, or his surviving parent, or (if illegitimate) his mother in prison.

(*d*) Is under a guardian who is unfit through criminal or drunken habits.

48 & 49 Vict. c. 69, secs. 4 and 5.

(*e*) Is the daughter (legitimate or illegitimate) of a father who has been convicted of an offence against any daughter under Sections 4 or 5 of the Criminal Law Amendment Act, 1885.

(*f*) Frequents the company of a reputed thief or prostitute (unless such prostitute is the child's mother and takes proper care to prevent contamination).

(*g*) Lives in the house of a prostitute, or under circumstances conducing to her seduction or prostitution.

The Court may, if the facts are substantiated and it is in the interest of the child, commit any such child to an Industrial School.*

If a child under twelve is charged before any Court

* The summons may be either against the child or against the guardian, etc. The Court has power to insist on the production of the child.

with any offence,* such Court may commit him to an Industrial School, and a Petty Sessional Court may take the same course with a child of twelve or thirteen not previously convicted, if of opinion that owing to special circumstances he should not be sent to a Reformatory School, and will not exercise an evil influence in an Industrial School. If the parent or guardian of a child proves to a Petty Sessional Court that the child is beyond his control, or if the guardians show that a child in a workhouse or Poor Law School is refractory, or that either of his parents has been convicted of an offence punishable with imprisonment, and that it is desirable that he should be sent to an Industrial School, the Court may send him to such a school. In addition, a child may be sent to an Industrial School to enforce an attendance order. In all these cases the committal may be either to a Resident Industrial School or to a Day Industrial School within the prescribed distance of the child's residence. 1908, sec. 78.

A youthful offender under fourteen may also be transferred from a Reformatory to an Industrial School by order of the Home Secretary. A child may also be received in a Day Industrial School either on an attendance order or without any order on the application of the Local Education Authority and of his parent or guardian on the latter undertaking to pay the authorised sum (*see* p. 64) towards the expenses of his meals and Industrial Training. 1908, sec. 69 (2). 1908, sec. 81.

Detention and Detention Orders.—The Court has a large discretion in the matter of sending children or youthful offenders to certified schools. Thus it may first try placing a child or youthful offender under a probation officer or other fit person, and if this course does not prove satisfactory, then make a 1908, sec. 58 (7) and sec. 60. 1908, secs. 61 and 63.

* It has been decided that the Court has this power, even though in the case of an adult the penalty would not be penal servitude or imprisonment.

further order. The Court may suspend the operation of an order and meanwhile keep the child or youthful offender in safe custody. The order shall name the school (or this may be done subsequently by endorsement) and the period of detention. Any period may be named in the case of an Industrial School, provided that it does not extend beyond the child's sixteenth birthday, and the order (if not an attendance order) sending a child to a Day Industrial School may direct that he be detained there during any portion of the day. The period of detention in a Reformatory School must be from three to five years, and must not extend beyond the nineteenth birthday.

1908, sec. 62.
1908, sec. 65.
1908, sec. 78 (2).
1908, sec. 65.

Licence and Disposal.—A child or youthful offender in a certified school who conducts himself well may be released on licence after eighteen months, or earlier with the consent of the Home Secretary, or of the Local Education Authority if he has been sent to the school at the request of that Authority. The licence is revocable by the managers, but the period during which he has been out on licence counts as part of the detention. A child or youthful offender who behaves well may also, with his own consent, be apprenticed or disposed of in any calling, including the Army or Navy, or by emigration, and a Local Education Authority which has contributed to his support may contribute to the cost of his disposal. The consent of the Home Secretary is required for such disposal during the first twelve months of his detention, and at any time if he is to emigrate.*

1908, sec. 67.
1908, sec. 74 (9).
1908, sec. 70.
1908, sec. 70.

Probation.—An inmate of a Reformatory or Industrial School on his release shall remain under the supervision of the managers of such school until the

1908, sec. 68.

* For form of order for transfer of an inmate to a workhouse, *see* S.O. 1037 of 1907. For notice to Poor Law Authorities of discharge of weak-minded inmate requiring relief, *see* S.O. 1038 of 1907.

age of nineteen or eighteen respectively, unless the Home Secretary otherwise orders, but this does not apply to a child sent to an Industrial School merely for the purpose of enforcing an attendance order made because the parent or guardian did not provide instruction. During such probation the person under probation may be recalled to the school for not more than three months if the managers think it is necessary for his protection, but a report must at once be sent to the Chief Inspector of certified schools. While a child or youthful offender is under supervision a parent shall not interfere with the control of the managers over him.

Discharge and Transfer.—The Home Secretary may order the discharge, conditionally or unconditionally, of any person detained, or his transfer to another school, but a child detained in an Industrial School cannot be transferred to a Reformatory School except for a further offence. 1908, sec. 69.

Offences in regard to Certified Schools.—It is an offence to commit or incite to wilful and serious breaches of the rules of certified schools or to escape from such schools. In such cases the term of detention may be increased by not more than six months (even although this causes the age limit for detention to be exceeded), or an offender, if over sixteen, may be imprisoned for not more than three months, or a child in an Industrial School may be sent to a Reformatory School. The time of absence or imprisonment does not count as part of the detention. An inmate of a certified school who escapes may be arrested, and any officer authorised by the managers or a Local Education Authority to take a child or youthful offender to such a school, or bring him back to it, is in the same position as a constable, *i.e.* he is protected if he acts *bona fide* and on reasonable grounds. It is 1908, secs. 71 and 72. 1908, sec. 85. 1908, sec. 72.

an offence punishable by fine or imprisonment to
1908, sec. 67. assist such an escape or to harbour the person escaping. Similar provisions apply in the case of persons on licence who escape, and their parents may be ordered to bring them before a Court or show cause for not doing so.

1908, sec. 75. *Contributions by Parents.*—The parent of a child or youthful offender at a certified school shall contribute a sum (not exceeding that fixed by the Order in Council) for his maintenance.* This payment may be enforced by the original order of committal, or by an order subsequently obtained from a Petty Sessional Court while the child or youthful offender is still at the school. The order may be enforced as if it were an affiliation order, and the Court making the order may attach any pension or income payable to the person against whom it is made. It may be varied by a Court having power to make such an order at any time. The Home Secretary may remit any payments to be made under such order. The money is paid to the Exchequer up to the amount of their contribution to the maintenance of the child or youthful offender and the remainder, if any, to the
1908, sec. 82. managers of the school. In the case of a Day Industrial School the contribution, which does not include any sum for the expenses of Elementary Education and cannot exceed an authorised amount,† shall be paid to the Local Education Authority, and the guardians shall give a poor parent relief in order to enable him to pay this contribution.

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* The order now in force is S.O. 344 of 1909, and fixes as maximum amounts for Town Reformatory Schools and Ships 8s. per week for boys and 7s. for girls, and for other Reformatory Schools 7s. per week. For Industrial Schools in London the amount is 8s. per week, for ships 7s. 6d., and for other schools 7s. for boys and 6s. 6d. for girls.

† The order in force (328 of 1909) fixes as maxima 2s. per week for schools in London, Leeds, and Bristol, and 1s. 9d. per week for schools elsewhere.

For these purposes the term parent includes step-parent and any person cohabiting with the mother, and in the case of an illegitimate child the putative father, and an order may be made against any of these persons although there is a parent living, but if there has been an affiliation order made against the putative father there shall not (except under special circumstances) be any further order made against him, but the whole or part of the payments under the affiliation order may be applied to these purposes. Parents under the liability to contribute must give notice of change of address to the proper authorities. 1908, sec. 125. 1908, sec. 75 (6).

Contributions by Treasury.—Contributions to the amount recommended by the Home Secretary * are paid towards the cost of a child or youthful offender detained in a certified school (including a Day Industrial School), and to the costs of their removal from school to school and of their emigration. In the case of children detained at the request of their parents the contributions cannot exceed two shillings per week. 1908, sec. 73.

Powers and Liabilities of Authorities.—The Local Education Authority is liable for the expenses (not covered by other contributions) of the education and maintenance of a child sent to an Industrial School, unless the child has been sent there 1908, sec. 74.

(*a*) At the request of his parent;
(*b*) At the request of the Guardians of a Poor Law Union or Managers of a Poor Law School; or
(*c*) Is a child habitually wandering through different districts; or
(*d*) Is a child towards whose maintenance the Treasury does not contribute.

To carry out this obligation such Authority may,

* No order has been made fixing these amounts.

with the approval of the Home Secretary, itself construct and maintain certified schools, or contract with the managers of such schools. Land may be acquired for such schools and money borrowed under the powers given by the Education Acts, with the Home Secretary as approving authority in place of the Board.

Authorities may make joint arrangements under this section with the approval of the Home Secretary.

The expenses of these children are defrayed as educational expenses. Local Education Authorities or Local Authorities may also contribute towards the ultimate disposal of any child they have assisted to maintain.

The Local Education Authority in whose area the child resides is responsible for these charges, and he shall be presumed to reside at the place where the matters leading to his committal occurred, unless the contrary is shown.

The Local Education Authority has a right to be heard on this point, or to apply for the variation of an order making it liable (and for the repayment of expenses by the Authority found to be liable) within three months of the date of such order.

Similar provisions apply in the case of youthful offenders sent to Reformatory Schools, but the "Local Authority," *i.e.* the Council of the county or county borough, is then responsible. The expenses are defrayed out of Poor Law sources, and powers exercised under Poor Law Acts.

The transfer of a child or youthful offender from one school to another (including a transfer from an Industrial to a Reformatory School or vice versa) does not affect the initial liability, but the Authority responsible for his maintenance may make representations against this removal.

1908, sec. 74 (11).

Contributions by Guardians.—Guardians of a Poor

Law District or Managers of a Poor Law District School at whose request a child is sent to an Industrial School, shall pay a sum to be agreed or settled by the Home Secretary. The time during which a child is detained at any certified school is excluded in considering any question of removal under the Poor Removal Act, 1846, or any amending Act. 9 & 10 Vict. c. 66.

Other Provisions as to Expense.—The expenses of conveyance of a youthful offender to a Reformatory School and the initial expenses of his clothing are paid out of Parliamentary funds. The costs of conveyance to an Industrial School shall be defrayed by the police, but the Local Education Authority may pay them. The expenses involved in bringing back an inmate who has escaped are defrayed by the managers of the school. 1908, sec. 76. 1908, sec. 72 (4).

XIII. NURSERY SCHOOLS.*

The " Part III." Local Education Authority may provide " Nursery Schools " or assist those privately provided, and may make provision for the care of children attending such schools. 1918, sec. 19.

These schools are for children from two to five, though older children may attend with the leave of the Board. Attendance at such schools is not compulsory, nor is an Authority bound to provide them, but their existence may affect the decision of the Board as to approving a bye-law raising the lower limit of age for compulsory attendance to six.

The Board may also assist non-provided Nursery Schools, but before recognising such a school will consider its suitability and the co-ordination of its work with that of other educational services, and will also consult the Local Authority. The school must not be conducted for private profit, must be open to

* *See* Grant Regulations, No. 6.

inspection, and have responsible managers (one-third of whom may be appointed by the Local Authority), and a correspondent.

The ideal for these schools is that of a well-conducted nursery. Their main object is the care of the children's health, the development of their intelligence, and the formation of good habits and manners. Formal instruction is deprecated, and there should be no fixed time-table except for rest and meals. Great importance is attached to nourishment (at least two meals a day, and sometimes more, being provided), rest, and open air.

It is not proposed in the first instance to erect special buildings, but rather to adapt existing buildings by making any necessary alterations and providing suitable bathing and lavatory accommodation. It is essential that there should be a playground (or roof playground) unless the school adjoins an open space available as such. Nursery Schools may be on the same premises as a Day Nursery, or even (with the Board's permission) on the premises of an Elementary School. Small schools, normally for about forty, are favoured, and in no case must they be for more than 100.

Schools must be easily accessible from the children's homes, and must be open at least 200 days a year.

The staffs consist of superintendents, nurses or adult attendants, and probationers. For forty to fifty children one of each class is suggested. No special qualifications are laid down, but the superintendent must be approved by the Board. Special training is being given to certain women teachers with a view to service in these schools, and interchange of teachers with Elementary Schools is approved. If certificated or uncertificated teachers are employed for such schools they must be paid at least the minimum salaries laid down for such teachers.

The greatest importance is attached to medical

inspection, both for the care of the children in the school and the exclusion of unsuitable children. There should be a daily inspection, and all children with colds, etc., should be sent home. A qualified nurse should attend a group of schools for this purpose. Careful measurements of the children should be made at intervals.

No fees may be charged except for food and medical treatment, and these fees must be reasonable. They are deducted in calculating net expenditure for grant purposes.

XIV. RELIGIOUS INSTRUCTION.

The following provisions apply in *all* Public Elementary Schools :—

(*a*) No child shall be required to attend or abstain from attending any form of religious instruction or worship. 1870, sec. 7.

(*b*) Any child may be withdrawn from religious instruction at his parent's request.

(*c*) Religious instruction shall take place at the times shown in the time-table, which times shall be at the beginning or end of a meeting.

(*d*) No child shall be required to attend on a day when his parent withdraws him on the ground that it is (according to his religion) exclusively set apart for religious observance.*

(*e*) A copy of the regulations as to religious instruction and of the time-table shall be conspicuously exhibited.

Provided Schools.—No religious catechism or religious formulary which is distinctive of any particular denomination shall be taught in the school. 1870, sec. 14.

* In the case of the Church of England, this includes Holy Days such as Ascension Day.

1902, sec. 7. *Non-provided Schools.*—The religious instruction given shall, as regards its character, be in accordance with any provisions of the Trust Deed relating thereto, and shall be under the control of the managers. But this does not affect the power of certain named persons to decide whether the religious teaching given is in accordance with the Trust Deed, where such deed gives this power.

The time-table must be so arranged as to give reasonable opportunity for religious instruction. In case of dispute the Board decides what is reasonable. The directions of the time-table must be obeyed, and a class may not be taken to church during the time allocated to secular instruction, even on a day when the children could be withdrawn individually by their
1918, sec. 8 (6). parents under provision (*d*). If, however, a child is required by the Local Education Authority to attend a class away from the school at a time when he would normally be receiving religious instruction, some other time shall be appointed for him to receive such instruction.

1870, sec. 76. The managers are allowed to name two days in the year for inspection by private inspectors, and on these days the restrictions as to religious instruction do not apply, but no child who has been withdrawn from religious instruction need attend on such days.

The cost of religious instruction is part of the cost of maintenance of the school.

1918, sec. 10 (9). *Continuation Classes.*—If a young person (or the parents of a young person under sixteen) object to any part of the instruction at a school on religious grounds, he need not attend such instruction, and shall be transferred to another school if possible.

1902, sec. 4 (2). *Secondary Schools, etc.*—Provisions (*a*) and (*b*) above apply to non-resident scholars attending any school or college aided or maintained by a Council.

Provided Schools, Colleges, and Hostels.—No pupil shall be excluded or prejudiced on account of his religion. No catechism or distinctive formulary may be taught. The Council *may*, however, at the request of parents, allow such teaching to be given without cost to themselves, but they must not show unfair preference to any denomination. 1902, sec. 4 (1).

Non-provided Schools.—It shall not be made a condition of a grant that any particular form of religious instruction or worship should be, or should not be, taught or practised. 1902, sec. 4 (1).

Similar provisions are enforced by the Board in the case of residential scholars, unless a scheme has been made under the Endowed Schools Act, 1869. The grounds for special religious provisions in such a scheme are (*a*) that the school is attached to a cathedral or collegiate church; or (*b*) that the terms of its foundation, or statutes made within fifty years of the founder's death, and continuously observed, require special religious instruction. 32 & 33 Vict. c. 56, sec. 19.

In some cases the Board have allowed relaxation of its requirements (*see* p. 42).

Reformatory and Industrial Schools.—The Court making the detention order ascertains if possible the religion of the child or youthful offender and inserts it in the order, and if possible sends him to a school conducted accordingly. If he is not sent to such a school his parent may, within thirty days of his arrival at the school, apply to the Home Secretary to transfer him to a named school of his religion, and if the managers of such school are willing to receive him the transfer *shall* be made. Applications may also be made after this period for a transfer under the Home Secretary's general powers. A minister of his religion shall have access to any inmate at specified times. The provisions as to Public Elementary Schools apply to Day Industrial Schools. 1908, sec. 66.

1893, sec. 8.
1899, sec. 12.
1913, sec. 17.

Special Schools and Institutions for Mental Defectives.—If the school to which the child is sent is not a Public Elementary School, the rules as to choice of school and religious instruction are the same as for Industrial Schools, the Board being substituted for the Home Secretary. A child shall be given facilities for receiving religious instruction in accordance with the wishes of his parent, and shall in no case be given religious instruction contrary to the parent's wishes. A child who is boarded out shall be placed, if possible, with a person of the same religious denomination.

Inspection and Efficiency.—Although an Authority has to pay for the religious education in non-provided schools, it is not its duty to supervise such instruction or keep it efficient. An Authority is, of course, responsible for this in provided schools. The Board

1870, sec. 97.
1870, sec. 7 (3).

does not make any grants for religious education, and it is no part of an Inspector's duty to inquire into or supervise this.

XV. MEDICAL PROVISIONS.

1907, sec. 13.
1918, sec. 2 (1) (*b*).

Medical Inspection and Attendance.—The "Part III." Local Education Authority is bound to arrange for the medical inspection of children on entry into Public Elementary Schools, or as soon after as possible,

1909, sec. 3.

and at such other times as the Board may direct. But the parent of the child is not bound to submit him for such inspection.

1918, sec. 2 (*c*).
1918, sec. 25.

They must also make arrangements, to be approved by the Board, for medical attendance on such children, but this does not authorise a general domiciliary service, and the Authority should consider how far treatment can be arranged for with private practi-

1919, sec. 19 (1) (*b*).
1918, sec. 18.

tioners. They have similar powers (but not duties) for children attending Nursery Schools. The "Part II." Local Education Authority have similar duties and powers as to inspection, and powers (but not

duties) as to attendance with regard to children or young persons attending continuation schools under their direction or control, secondary schools provided by them, and such other provided schools as the Board may direct, and also any school over which the Authority has control or to which it makes payments under the Welsh Intermediate Education Act, 1889. These powers may also be exercised in respect of other schools or educational institutions at the request of their managers. For these purposes a council may encourage, assist, and co-operate with voluntary agencies. It is the duty of the Authority to recover the cost of such medical attendance from parents (if they are able to pay), the amount being recoverable summarily as a civil debt. Failure to pay does not cause any civil disability to such parent. 1909, sec. 1. 1909, sec. 2.

The Board recognises that it is a "reasonable ground" for refusing to receive a child in a school that the medical officer of the Local Education Authority has directed his exclusion (*a*) to prevent the spread of disease; (*b*) because of his uncleanly or verminous condition; (*c*) because, owing to physical or mental defects, he is unable to derive proper benefit from the instruction there.*

Dirty and Verminous Children.—A child under fourteen attending a Public Elementary School may be examined, and if his person or clothing is foul or verminous notice may be given to the parent to cleanse the child or his clothing, with directions how to do it. If this is not done within twenty-four hours the child may be detained and cleansed, and if thereafter the child is again found in the same condition the parent may be prosecuted. 1908, sec. 22.

The examination and cleansing can only be done by the Board's medical officer, or by a person author-

* *See* Grant Regulations, No. 8, Article 53.

ised by him in writing. In the case of girls this person must be a doctor or a woman.

As to exclusion of such children, *see* last paragraph.

1907, sec. 57

Infectious Diseases.—If the medical officer of any Local Authority sends notice to the person having charge of a child that such child is suffering from an infectious disease, or has been exposed to infection, such person shall not permit the child to attend a school (whether public or not) without procuring a further certificate from such medical officer that it is safe for him to do so.

1907, sec. 58.

The principal of any school where a scholar has had an infectious disease must furnish, at the request of the Local Authority, a list of the day scholars attending the school. He may make a charge of sixpence for each twenty-five names.

1907, sec. 59.

It is an offence knowingly to expose a book from a circulating library to infection, or to return a book so exposed without notifying the Local Authority.

XVI. TEACHERS.

*Training of Teachers.**—There is a complete system by which persons intending to follow the teaching profession receive a free education for the purpose. The normal course is that candidates remain at a secondary school (usually as bursars with or without a maintenance grant) till they have reached seventeen,† and then enter a Training College. In this college they can take either a four years' course (three years for a University degree, plus one year's professional training) or shorter courses of two or three years. One year professional courses are also provided for persons who already have a degree (or certain other qualifications) or who are certificated teachers.

* *See* "Regulations for the Training of Teachers."

S.O. 889 of 1919.

† Bursars between eighteen and nineteen may be approved for the years ending 31st July 1919 and 31st July 1920.

In some cases before proceeding to college a student acts for a year as a Student-Teacher. Student-Teachers must normally be over seventeen and have passed a "First Examination" or the entrance examination for a teacher's college. In other cases a student may act as a "Pupil-Teacher," who must normally be over sixteen years of age, and is appointed for one or two years. The Board may, however, permit "Student-Teachers" to be appointed at sixteen for two years, and "Pupil-Teachers" to be appointed (in rural districts only) at fourteen for four years.

Before being appointed as a "Student-" or "Pupil-" Teacher, or receiving a bursary, a candidate (and his parent) must make a declaration that he intends to enter the teaching profession, and before entering a training college a student must sign an agreement (enforceable against him although he is an infant), undertaking to repay to the Board the amount of the grants paid for his education at such college if he does not successfully complete the course and serve as a teacher in an "approved school" for a specified period. The Board makes grants to Local Education Authorities on account of the amounts spent by them on Student- and Pupil-Teachers and in bursaries and maintenance grants. 1909, sec. 4.

Classes of Teachers.—A teacher who has successfully passed through a course at a training college (or a course recognised as an equivalent) becomes a "certificated" teacher. This certificate is "endorsed" when a teacher has completed a year's teaching under certain conditions. Students who have failed in their examination in certain subjects may be granted a provisional certificate and given a further opportunity of passing, and may be recognised as "certificated" during a period of two and a half years. An "uncertificated" teacher is one who has passed a lower

test (of the general standard of the Teachers' Preliminary Examination) or has had certain educational experience. "Supplementary" teachers are specially approved untrained women over eighteen years of age. They may only be employed to teach infant classes (*i.e.* classes where the majority of the children are under eight), or the lowest class of older scholars in rural schools with an attendance of less than a hundred. They can only be so employed by leave of the Board.

Teachers of domestic subjects, handicraft, etc., must hold a diploma or be specially approved by the Board. The Board has power to withdraw a certificate or diploma, or recognition from an uncertificated teacher, for misconduct, but before this is done the teacher will be given an opportunity of replying to the charge made against him.

For the grant of certificates, diplomas, or recognition a teacher must satisfy the Board of his physical capacity in view of the conditions attached to superannuation and disablement grants (*see* Section XVII.). Teachers who fail so to do are described as having the "status" of the class they would otherwise be in. As they are eligible for all appointments in this class no distinction has been made in this book except in the portion dealing with pensions, and in other portions references to "certificated" teachers, etc., must be understood to include those having the corresponding status.

Rights and Duties of Teachers.—Teachers in charge of children stand for the time being in the position of their parents, and are bound to exercise the same degree of care that a parent should show. A teacher is liable for any injury which happens to the children through his negligence or, in the case of a schoolmaster who enters into a contract with a parent, *e.g.* the head of a private school, for the negligence of

those employed by him. As to the degree of care required, *see* p. 15.

Power of Punishment.—The general law is that when a parent sends a child to school he delegates to those teaching him, viz. the headmaster and the master in charge of a class,* the same powers of punishment that the law permits to himself. This includes the power of moderate corporal punishment reasonably inflicted, and the teacher in such case has a good defence to civil or criminal proceedings for assault. 1908, sec. 57.

This delegation is implied in all cases where a child is sent to a Public Elementary School, and in other cases unless the parent negatives it by some express act. The fact that the school has rules prohibiting certain forms of corporal punishment does not in itself make such punishment an assault.

Punishment may also take other forms, such as detention out of school hours, but such detention is only justified when an offence has been committed, *e.g.* a child in a Public Elementary School cannot be detained beyond school hours for not having done home lessons, since there is no power to make him do such lessons. Illegal detention is a technical assault.

A child cannot be detained or kept at school against the wishes of his parent, except under the provisions for compulsory education.

The power of inflicting punishment is not confined to the case of offences on the school premises, *e.g.* a pupil can properly be punished for an assault on another pupil on the way to school.

The headmaster or governing body of a school (other than a Public Elementary School) may expel

* Further delegation of such power of punishment is recognised in certain cases, *e.g.* to prefects, but no such delegation is permitted in Public Elementary Schools.

a pupil for serious misconduct or breaches of school rules.

In all these cases the Courts will uphold the master's discretion if he has acted reasonably.

XVII. PENSIONS.

Classes of Pensions.—Teachers may be entitled to pensions and disablement allowance (*a*) under private schemes, contributory or non-contributory, arranged by certain schools ; (*b*) under the 1898 Act ; (*c*) under the 1918 Act.

1918, A., sec. 14.

Private Schemes.—These are schemes made by a Council or school and the teachers under it. No teacher who was not under such a scheme on 1st April 1919 shall be required to make any contributions while in " recognised " service, and a teacher who was then under such a scheme can elect, before 1st July 1919, or within three months of entering " recognised " service, whether he will remain under the scheme, receiving no benefits under the 1918 Act, or come under the Act and be free from the scheme.* In the latter case he shall be recouped for past contributions as may be agreed or settled by the Treasury.

1898.

Pensions under the 1898 *Act.*—This Act only included certificated teachers, and was less favourable in its terms than the 1918 Act so that very few teachers now in service are likely to remain under it, and a brief account of its provisions will suffice.

The scheme was a contributory one, teachers paying certain amounts for each year of " recorded " service.† These contributions formed a fund from which were

* Note that in this case he does *not* come under the Act unless he makes the required declaration.

1898, sec. 1. 1912, sec. 1 (2). † Up to 1912 these were £3 for a man, £2 for a woman ; after this date £3, 12s. for a man, £2, 8s. for a woman. " Recorded service " was similar to, though not so wide as, " recognised service " under the 1918 Act.

paid deferred annuities to teachers who reached sixty-five. In addition, a teacher was paid a superannuation allowance at the rate of £1 per annum for each year of "recorded" service, provided that half the time since he was certificated had been "recorded" service.* Disablement allowance could also be granted after certain periods of service.† 1912, sec. 1 (2).

The provisions as to cancellation of certificates, refusal, alteration, or withdrawal of disablement or superannuation allowances, counting War service, non-assignability of pensions, etc., were substantially similar to those under the 1918 Act (*see* p. 83).

A teacher under this scheme might give notice before 1st July 1919 that he did not wish to come within the 1918 Act. In this case he remains under the 1898 Act and continues to pay contributions. Otherwise he pays no further contributions, but will be entitled on reaching sixty-five to the deferred annuity justified by past contributions in addition to the allowance under the 1918 Act. 1918, A., sec. 4. 1918, A., sec. 12.

Pensions under the 1918 *Act.*‡—This scheme is non-contributory and embraces, or is open to, nearly all

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* Certain of the superannuation allowances have been increased by £10 per annum from 1st April 1918. *See* minute of Board of 25th February 1918 (Cd. 8995).

† When disablement allowance was granted the teacher lost all other rights under the scheme (including his right to a deferred annuity), unless he was re-employed or the allowance had been terminated by the Treasury. In the latter case he was entitled, on reaching sixty-five, to the same annuity, and *might* be granted the same pension, as if he had not received disablement allowance.

‡ *See* "School Teachers' Superannuation Rules, 1919." S.O. No. 289 of 1919. All teachers should without delay take steps to satisfy the Board as to the state of their health. A teacher who has not done so is not entitled to a death gratuity, and if he has first entered recognised service after 1st April 1919 he is not entitled to any of the benefits of the Act. The Board usually regard the medical examination for the purpose of the certificate as sufficient. Where owing to the death of the teacher or other cause he has been unable to fulfil these requirements, the Board may accept such evidence as they consider satisfactory as to the state of his health on 1st April 1919. *See* "School Teachers' Superannuation (Amending Rule), 1919" [Cmd. 290].

teachers in Elementary and Secondary Schools and many teachers in other schools.

1918, A., sec. 18.

Recognised and Qualifying Service.—" Recognised " service includes full-time service recognised by the Board

(*a*) As a certificated or uncertificated teacher or teacher of special subjects in a Public Elementary, Special, or Industrial School.*

(*b*) As a certificated or uncertificated teacher in an institution under the Mental Deficiency Act, 1913.

(*c*) Service in schools (other than Elementary or Industrial) grant-aided at the time of such service or becoming so within the period 1st April 1919 to 1st April 1924.

(*d*) Service " recorded " under the 1918 Act or any continuation of such service.

(*e*) Service after 1st April 1919 in certain schools approved by the Treasury.†

(*f*) Service before that date in other schools not conducted for private profit up to a maximum of ten years' service.‡

" Qualifying service " is still wider, and includes any full-time service, whether as a teacher or not, which the Treasury recognises as such.§

S.O. 289 of 1919.

* Service in a Special or Industrial School as head teacher, superintendent, or teacher recognised as qualified to teach there also counts.

† The conditions for Secondary Schools have been prescribed; other grant-earning schools will be separately considered.

‡ Only service in England and Wales will be recognised. Service will not be recognised unless the teacher has ten years' other recognised service, nor will service which would bring his total recognised service above thirty years. Service will not be counted which brought benefits under a pension scheme, other than those derived from the teacher's contributions. The teacher must have had the prescribed period of qualifying service after 1st April 1919 (*see* p. 81, *n.*).

S.O. 289 of 1919.

§ Application should be made to the Board *without delay* by a teacher who wishes to have any service, other than recognised service, counted as qualifying.

In neither case does service over sixty-five count except by leave of the Board.

Superannuation Allowances.—These are granted 1918, A., sec. 1.

(*a*) To teachers on reaching sixty who have had thirty years' qualifying service, of which at least ten years have been recognised service.*

(*b*) To teachers having ten years' recognised service who have, in the opinion of the Board, become permanently incapable, through infirmity of mind or body, of being efficient teachers. The application must be made within six months of leaving recognised service. S.O. 289 of 1919.

Such teachers receive an annual "superannuation allowance" equal to one-eightieth of the "average salary" for each year of recognised service up to forty years.

An "additional allowance" of a lump sum equal to one-thirtieth of their "average salary" for each year of recognised service up to forty-five years.

Gratuities.—If a teacher who has had the prescribed period of recognised service since 1st April 1919 becomes permanently incapacitated or dies, the Board may give a lump sum equal to one-twelfth of his average salary for each year of recognised service to 1918, A., secs. 2 and 3.

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* Teachers to whom the Act of 1898 applied on 1st April 1919 may qualify alternatively if their recognised service is equal to half the period between the date of their certificate and their sixty-fifth birthday. 1918, A., sec. 1.

Teachers in recognised service on 1st April 1919 must be in recognised service after that date for a prescribed period, varying from one day (in the case of teachers in such service for the two years, of for three out of the five years, immediately before 1st April 1919) to three years. The Board *may* by regulation decrease the ten years' period of recognised service in their case, but have not yet done so. S.O. 289 of 1919.

In the case of a woman who has left the service on marriage and subsequently returned, she may count the period of her absence from recognised service (up to ten years) as qualifying service if she furnishes the Board with evidence that she has retired on marriage within three months of her retirement, or if this was before 1st April 1919, within three months of that date or of her return to the service. 1918, A., sec. 1 (3). S.O. 289 of 1919.

him or his representatives.* Death gratuities can only be paid in the case of teachers who were under sixty on 1st April 1919 and have satisfied the Board as to their health.

1918, A., sec. 18.

Average Salary is the average of the salary received by the teacher during the last five years of his *recognised* service, or if he has not been so long in recognised service during the whole of his recognised service. Fees and other emoluments are generally excluded from the salary. Sick leave for short periods is usually reckoned as on full salary, and in the case of teachers who have been on War service the Board will fix the salary to be reckoned during their absence.†

Teachers not within the Act.—The following teachers are not entitled to the benefits of the Act :—

1918, A., sec. 4. (*a*) Certificated teachers whose certificate had expired before 1st April 1919, or who were in receipt of allowances on that date, or have elected not to come under the Act.

1918, A., sec. 14. (*b*) Teachers under private schemes who have not elected to come under the Act (*see* p. 78).

1918, A., sec. 4. (*c*) Teachers who first come into recognised service after 1st April 1919 and have not satisfied the Board as to their health.

1918, A., sec. 10 (2). (*d*) Teachers who are not British subjects.

1918, A., sec. 6. *Miscellaneous Provisions.*—The grant of allowances and gratuities is a matter of grace, not of right, and therefore the decision of the Board is final.‡

* The prescribed periods are those given in note on p. 81. In case of death the teacher must have had five years' recognised service, and the gratuity may not exceed the "average salary." When a teacher dies after receiving superannuation allowance and additional allowance, but the whole amount received is less than the "average salary," the Board may make up the difference to his representatives.

† The maximum salary that may be taken into account in schools not earning grant is £2000.

‡ Similar provisions apply to teachers under the 1898 Act.

Where a teacher has been guilty of serious misconduct either before or after he is in receipt of an allowance, the Board may refuse, reduce, or suspend his allowance or refuse or reduce his gratuity. Any such decision may be subsequently reconsidered.* 1918, A., sec. 10.

If a teacher is re-employed after receiving an allowance or gratuity all his rights under the Act revive, but in paying any subsequent " additional allowance " or gratuity the sums already received as " additional allowance " or gratuity are deducted. 1918, A., sec. 5.

In the case of a teacher who is in Government service, or in the service of a Local Education Authority (otherwise than as a teacher in recognised service), the allowance shall not be greater than the difference between his present salary and his salary when he left recognised service.

Allowances cannot be assigned or charged, nor do they pass to a trustee in bankruptcy without an order of the Court.* 1918, A., sec. 7.

Where the recipient is of unsound mind, the Board may pay the allowance as they think fit for the support of himself and his relatives.* 1918, A., sec. 9.

Sums of under £100 may be paid to such representatives of a deceased teacher as the Board thinks fit without probate.* 1918, A., sec. 8.

Governing bodies may take any steps necessary to enable service in their schools to be recognised. Teachers who come under this Act are exempt from the provisions of the National Insurance Act, 1911, as to unemployment insurance. 1918, A., sec. 16.

It is an offence to make any false representation in order to obtain or increase a gratuity or allowance.* 1918, A., sec. 11.

War Service.—Service with the naval or military forces during the late War (or service considered by the Board as equivalent thereto), and any period (up to a year) of disability due to such service, will be 1918, A., sec. 15 (1) (*f*). S.O. 289 of 1919.

* Similar provisions apply to teachers under the 1898 Act.

treated as recognised service in the case of a teacher who was certificated or employed in recognised service at the commencement of his War service. In other cases it will be treated as qualifying service.

XVIII. EMPLOYMENT OF CHILDREN.

1918, sec. 13 (1). *Authority.*—The Authority for the purposes of this section is the "Part III." Local Education Authority. In the execution of these duties it may use its general powers under the Education Acts, and the necessary expenses are met from the usual sources.

1918, sec. 39. Such Authority has also the power to prosecute persons having charge of a child of school age for ill-treating such child.

1918, sec. 48. *Definitions.*—"Employ" and "Employment" used in reference to a child or young person include employment in any labour exercised by way of trade, or for the purposes of gain, whether the gain be to the child or young person or any other person.*

1903, sec. 13. "Street Trading" includes the hawking of newspapers, matches, flowers, and other articles, playing, singing, or performing for profit, shoe-blacking, or any other like occupation carried out in streets or public places.†

1918, sec. 13. *Limitation of Employment.*‡—(1) No child under twelve § shall be employed.

(2) No child under fourteen § shall be employed

(*a*) For more than two hours on Sundays.

(*b*) Before 6 A.M. or after 8 P.M. on any day.

(*c*) Before the close of school on any school day.

* Keeping a child at home for domestic purposes so that her mother can go out to work is not employment, nor is permitting a child to do work, not for the purpose of gain, but for the benefit of the child's health.

† The employment of a boy by a shopkeeper to call on regular customers for orders does not come within this definition.

‡ This provision is not yet in force.

§ These ages refer to actual years, and are not affected by school terms as in the case of age limits for compulsory attendance.

A Local Education Authority may modify (*c*) by a bye-law permitting one hour's work in specified occupations or when employed by his parents before 9 A.M. on a school day, provided that the child does not work for more than one hour after school. This permission may be on such conditions as are thought fit.

The Local Education Authority may by bye-laws further restrict (in the case of children between twelve and fourteen) the age of employment and the permissible hours, and may fix a maximum of daily and weekly work. They may also prohibit wholly or conditionally any specified occupation. The bye-laws may be different for boys and girls and for different occupations. 1903, sec. 1.

Injurious Employments.—No child may be employed in an occupation injurious to his health or education, or to lift or move heavy objects likely to injure him. The Authority may send to the employer a doctor's certificate that certain acts or occupations will be injurious to a child, and this certificate is evidence in any subsequent proceedings. The Local Authority may also prohibit (absolutely or conditionally) the employment of a child whom they are satisfied is being employed so that his health, development, or education is prejudiced, and for this purpose may demand any information from the parent or employer. 1903, sec. 3. 1918, sec. 15.

Factories and Mines.—No child of school age shall be employed in a factory, workshop, or mine unless he was lawfully so employed on the appointed day for Section 14 of the 1918 Act to come into operation. 1918, sec. 14.

In such case he shall not be employed in any other occupation, and must conform to the statutory requirements.* The Authority cannot make bye-laws 1903, sec. 3 (3). 1903, sec. 9.

* The effect of these requirements is that a child must attend school half-time, either one attendance each day or two attendances on alternate days, and that the employer must obtain each week a certificate of due attendance. If too few attendances are made in 1 Edw. 7. c. 22, secs. 68-72.

altering the conditions of employment for these children, but may use their powers set out in the last paragraph if the employment is objectionable for particular children.

Street Trading.—No child under fourteen shall be employed in street trading, and bye-laws may be made restricting or prohibiting such trading by young persons under sixteen.

1904, sec. 2. *Employment in Licensed Places and Places of Amusement.*—There are a number of restrictions on the employment of girls under sixteen and boys under fourteen in these places. It is also forbidden to train
1904, sec. 3. young persons under sixteen as acrobats, etc. The
1918, sec. 13. Local Education Authority will have the power to grant licences for children over ten* to be trained for, or take part in, performances. Until the appointed day for Section 13 of the 1918 Act these licences will continue to be granted by Petty Sessions. Occasional performances for charitable objects are exempt from these provisions.

1903, sec. 6. *Liability of Employers.*—Employers who employ
1918, sec. 16. children contrary to the statutory provisions are responsible even if the actual employment was by a servant or agent, but they shall be acquitted if they show that they took all proper precautions to prevent illegal employment and produce the actual offender.† Where the employment was induced by a false repre-

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any week extra attendances must be made the next week. Attendance is excused when the school is closed, or for other unavoidable cause, or on a trade holiday or half-holiday. When there is no Public Elementary School within two miles attendance at other schools may be permitted. A child over thirteen who has received a certificate of proficiency or attendance may be employed as if he were a young person over fourteen.

* This age will be eventually raised to twelve, but not before 8th August 1921.

† If, however, the servant employs the child for his own convenience, the employer is not responsible.

sentation of age by the parent, the parent is guilty of an offence.

XIX. FINANCIAL PROVISIONS.

County Councils.—The sources of income of a County Council applicable to educational purposes are :—

(1) Grants from the Board (*see* pp. 92 *et seq.*).

(2) Grants from the Home Office for children in Industrial Schools (*see* p. 65).

(3) Revenue under the "Local Taxation, Customs, and Excise Act, 1890." These payments (sometimes irreverently called "Whisky Money") are made from a fund into which are paid certain additional duties imposed on beer and spirits. A part of this fund is apportioned among the County Councils by the Local Government Board. This revenue is earmarked for Higher Education, and any portion not expended for this purpose in any year must be carried forward and so applied in some succeeding year. 53 & 54 Vict. c. 60. 1902, sec. 2.

(4) Grants under the "Agricultural Rates Act, 1896." By this Act agricultural land is relieved of one-half of its burden under certain rates. This half is made good out of moneys raised by Parliament, and the amounts so received are for the purposes of application, account, and audit deemed to have been received from the rate in respect of which the payments are made. 59 & 60 Vict. c. 16.

(5) Contributions from other Authorities either towards the cost of education of certain children, *e.g.* "Border Children" (*see* p. 105), or children in special schools, or towards the cost of provision and maintenance of institutions, etc., to which they have agreed to contribute.

(6) Contributions from guardians, who are authorised to contribute to the expenses of providing, 1900, sec. 2.

altering, or maintaining a Public Elementary School, where such expenses are certified by the Board to have been wholly or partly incurred for the education of children resident in, or boarded out from, Poor Law Institutions.*

1899, sec. 9. Similar contributions may be paid in respect of schools for epileptic or defective children Contributions are also received from guardians on account of children in Special or Industrial Schools.

(7) Contributions from parents in respect of children who are being maintained by the Authority, *e.g.* in special schools. Also payments from parents for meals, medical attendance, etc.

(8) Fees.

1902, sec. 13. (9) Endowments of voluntary schools. Where the whole or part of such endowment is held on trust to be applied for the purposes of a Public Elementary School, for which provision is to be made by the Local Authority, then the whole or such part is paid to the Local Authority. Money so received is to be credited to the parishes served by such school in relief of rates due from them.†

(10) Money raised by loans (*see* p. 90).

(11) Money raised by rates (*see* p. 90).

(12) Miscellaneous income, *e.g.* money received by the sale or lease of lands, money given to the Authority for specific purposes such as prizes.

1902, sec. 18 (1). *County Fund.*—Money from whatever source is paid into the County Fund, and all payments are made from this fund. As, however, the incidence of the rates in different localities may be affected by whether the money is required for the purposes of Elementary or

* Guardians are not *bound* to make these contributions, and the fact that they do not do so is not a reason for excluding these children from the schools.

† The Board may decide disputes as to such endowments.

Higher Education,* it is better to treat their finance separately.

Elementary Education.—The expenditure for this, after allowing for receipts specifically attributed to it, *e.g.* grants, endowments, payments for meals, etc., must be raised by means of a rate. There is no limit to such rate, but no part of it must be raised from areas under other " Part III." Authorities. A Local Education Authority *may* charge any portion up to three-quarters of the capital expenditure on, or rent of, a school (including capital expenditure for the provision of vehicles for its service) on the parishes which are, in the opinion of the Authority, served by such school.† There are similar powers in the case of expenditure to meet the liabilities by way of loan or rent of any School Board taken over by the Authority. The incidence of the rate is also affected by receipts from endowments (*see* p. 88).

1902, sec. 18 (1). 1918, sec. 36.

1907, sec. 14 (2).

Higher Education.—Here the expenditure, after allowing for revenue received in respect of such education (including receipts under (3)) must also be met by rate, the amount of which is not limited. The Council may charge any expenses incurred in respect of a school or college on the parishes which, in the Council's opinion, are served by it, but before doing so shall give notice to the overseers of such parishes and consult the " Part III." Authority for the area.

1902, sec. 18 (1). 1918, sec. 36.

Borough and Urban District Councils.—All receipts are paid into, and all expenses paid from, the Borough or District Fund.‡

1902, sec. 18 (1).

Where the Council is a Local Education Authority, its sources of income may be classified as in the case

* The Board may decide under which head expenditure comes. 1907, sec. 10.

† The Local Government Board may make a binding declaration as to what is capital expenditure. The test is what is the object of the expenditure, and not whether the money is raised by rate or loan. 1907, sec. 5.

‡ This is subject to exemptions due to local Acts. 1902, sec. 18 (4).

of a County Council, but it receives no revenue under (3). The expenses of Elementary Education are defrayed as in the case of a County Council.

1902, sec. 3. All Borough and Urban District Councils, whether "Part III." Local Education Authorities or not, may assist Higher Education, but the rate for this purpose is limited to one penny.*

51 & 52 Vict. c. 41, sec. 68 (9). 45 & 46 Vict. c. 50, sec. 149. 38 & 39 Vict. c. 55, sec. 210.

Rates.—It should be remembered that rates can only be made for authorised purposes and in respect of future liabilities, or of amounts which the Council has become liable to pay in the six months preceding the making of the rate. If the rate is made for other purposes it may be quashed. These provisions cannot be evaded by borrowing money to pay off old liabilities and then raising a rate to pay off the money so borrowed, unless the loan was made in accordance with the provisions regulating borrowing by the Council. Of course, the rate may provide for interest and instalments of loans properly raised about to fall due or which have fallen due within the six months.

1902, sec. 19. *Borrowing Powers.*—The Council of a county or of any borough or urban district (whether a Local Education Authority or not) may borrow for educational purposes on the security of the fund or rate out of which its expenses for such purposes are payable, which includes certain sums contracted to be paid by 1907, sec. 8. other Local Authorities. The Public Works Commissioners may lend money to a Local Education Authority for Higher Education purposes. The sums so borrowed are not reckoned as part of the total debt of the Council where this is limited.

51 & 52 Vict. c. 41, sec. 69. These powers may only be exercised subject to certain conditions, one of which is the consent of the Local Government Board.† Money can only be

* *See* note on p. 93.

51 & 52 Vict. c. 41, sec. 69 (3). † This may be dispensed with in the case of money borrowed to pay off authorised loans.

borrowed for works the cost of which, in the opinion of the Local Government Board, should be spread over a long period. The maximum period is sixty years. It is important that Local Education Authorities should realise that they are not entitled to borrow save as above described, whether such borrowing is by way of overdraft or otherwise. Interest cannot be paid on unauthorised loans, and a treasurer paying such interest, even by order of the Council, may be held personally liable.

Accounts.—The accounts which must be kept by all Local Education Authorities are prescribed by statute. In the case of a Borough Council they must be separate from other accounts, as they are subject to the provisions of the "Local Government Act, 1888," and not (as the other accounts are) to those of the "Municipal Corporations Act, 1882."* 51 & 52 Vict. c. 41, sec. 71. 38 & 39 Vict. c. 55, secs. 247-250. 1902, sec. 18 (3). 51 & 52 Vict. c. 41. 45 & 46 Vict. c. 51.

The accounts of an Education Committee or of the managers of a school are audited as if they were the accounts of the Local Education Authority, and the auditor has the same power over managers as if they were officials of such Authority. 1902, sec. 18 (5).

Where any receipts or payments are entrusted to a body or committee established by several Authorities, the accounts are audited (in the absence of special provisions) as if such body or committee were a separate Local Education Authority. 1907, sec. 6.

Audit.—These accounts are audited by persons appointed by the Local Government Board. The audit is held as soon as possible after 25th March, and advertisements of the time and place must be inserted in a newspaper fourteen days before such audit. 38 & 39 Vict. c. 55, sec. 247.

* The District Auditors Act, 1879, requires "Financial Statements" to be submitted to the auditors. The forms of these are prescribed for Councils of Counties, Boroughs, and Urban Districts by S.O. 423 of 1918, for Joint-Committees and Bodies by S.O. 489 of 1909, and for Governing Bodies under the Welsh Intermediate Education Act, 1889, by S.O. 209 of 1915. 42 & 43 Vict. c. 6.

The auditors can call for any document, and require the person having charge of it to make a declaration that it is correct, and have power to allow or disallow any item. Any ratepayer or property owner in the district may appear and object to any such allowance or disallowance, and any person aggrieved by a decision of the auditor may obtain his reasons for such decision in writing, and appeal to the Local Government Board against such decision, or apply to the Courts by way of *certiorari* to quash the auditor's order.

It must be remembered, however, that the Courts can only interfere with the auditor if they decide that he was wrong, while the Local Government Board, even if they are of opinion that a disallowance was legally right, may remit such disallowance if they think it reasonable so to do.

The effect of the disallowance of a payment is that the official who made such payment is personally liable to refund it to the fund from which it came.

50 & 51 Vict. c. 72, sec. 3. 1907, sec. 5. 1907, sec. 10.

An auditor cannot disallow expenditure sanctioned by the Local Government Board. A decision of this body on a question which it is given power to decide, *e.g.* as to whether expenditure is capital expenditure, is binding on him, as is a decision by the Board as to whether expenditure is for Elementary or Higher Educational purposes.

38 & 39 Vict. c. 55, sec. 247 (10).

On completion of the audit the auditor delivers a report to the clerk of the Authority. An abstract of the accounts must then be published in a local newspaper.

XX. GRANTS.

*Elementary Education Grants to Local Education Authorities.**—The grants now payable to a Local Education Authority are (1) Substantive Grant; (2) Deficiency Grant; (3) grant for "highly-rated" areas.

* *See* Grant Regulations, Nos. 1 and 2.

Substantive Grant.—The substantive grant is a consolidated grant calculated as follows :—

Thirty-six shillings is allowed per unit of attendance in all Public Elementary Schools in the area, other than Special Schools. To this is added three-fifths of the expenditure on teachers' salaries in those schools, one-half of the expenditure on "Special Services," and one-fifth of the other net expenditure of the Authority. From the sum of these amounts is deducted the produce of a sevenpenny * rate on the assessable value of the area, and the difference is the amount of the grant.

The grant cannot be, however, in excess of the *greater* of the two following amounts :—(*a*) two-thirds of the net expenditure ; (*b*) the product of a shilling rate on the area, *including* the corresponding grant under the Agricultural Rates Act (*see* p. 87).

Deficiency Grant.—If the grant as calculated is less than one-half of the net expenditure of the Authority, it is made up to this amount by means of a "Deficiency Grant." †

Highly-rated Areas.—Where the grant (apparently including the Deficiency Grant) is such that the Education rate would have to be more than twenty-seven pence,‡ an extra grant of one-half ‡ of the amount which would have to be raised from the ratepayers in

*The method of calculating the amount of such a rate is laid down by S.O. 661 of 1903 and S.O. 1619 of 1904. In the case of County Councils it is the full calculated amount of the rate, less a deduction of 5 per cent.; in the case of other Councils the amount of the deduction is based on the proportion of the actual receipts in past years to the calculated amounts, but the deduction cannot exceed 10 per cent.

† For this purpose all amounts paid in a year, whether as adjustments for a past year or instalments for that year, are considered as forming the grant for the year. The date of payment is taken as that when payment would be made if returns were punctually furnished. In the year 1919-1920 these amounts include certain sums payable under the "Winding-Up" regulations for the old system of grants.

‡ These amounts may be varied in subsequent years.

excess of such rate of twenty-seven pence will be paid. In this case, too, all sums that would be received under the Agricultural Rates Act are taken into account.

In calculating the above, "salaries" only include money payments. "Net expenditure" means expenditure recognised by the Board as for proper purposes, less all receipts, except those from Grants, Rates, or under the Agricultural Rates Act. In estimating this expenditure, expenditure for services for which grants are made by other Departments, *e.g.* Industrial Schools, and expenditure for the repayment of loans under the Education (Provision of Working Balances) Act, 1903,* are excluded.

"Special Services" include Special Schools, School Medical Service, Provision of Meals, Physical Training in Public Elementary Schools, Nursery Schools, and Evening Play Centres.

The "Highly-rated Areas" grant will only be paid in respect of amounts included in the estimates on which the rate was levied by the Authority at the beginning of the year. It will be refused or reduced in cases of extravagance.

The grant may be reduced if the conditions have not been observed or proper information has not been furnished.† Such reductions will not be made good by means of "Deficiency" or "Highly-rated Area" grants.

The grant is payable in monthly instalments, and is finally adjusted after the end of the year, which runs from 1st April to 31st March.

Grants to other Bodies.

Marine Schools and Schools attached to Institutions.—*See* p. 27.‡

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* This Act was repealed by the 1918 Act.

1918, sec. 44 (5). † Any deduction of over £500 must be reported to Parliament.

‡ *See* Grant Regulations, No. 3.

A single substantive grant of 45s. per unit of average attendance, which is increased to 48s. 6d. when instruction is given in practical subjects. The grant is conditional on compliance with the requirements of Statutes and Regulations for Public Elementary Schools so far as applicable, the punctual supply of information, and the payment of salaries to teachers according to the Board's scale. Where a school is closed only sufficient is paid to discharge liabilities on current account.

Managers of Voluntary Schools.—Where fees were charged in a maintained Public Elementary School immediately prior to 1st April 1919, the Board will for five years from that day pay to the managers the average yearly amount received by them from the Local Education Authority in the previous five years.* 1918, sec. 26 (2).

Nursery Schools.—*See* p. 67.†

Where Nursery Schools not provided by a Local Education Authority are recognised, the Board will pay a grant of one-half the net expenditure on approved items after deducting any receipts from fees or contributions from the Authority. Where the school is closed, or ceases to be recognised, no more will be paid than would meet current liabilities at that time. Applications (with audited accounts) must be sent through the Authority.

Day Nurseries.—*See* p. 49.‡

Grants as for Nursery Schools, but applications are sent direct to the Board.

Schools for Mothers.—*See* p. 50.§

Grants as for Day Nurseries.

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* These payments were a proportion of the fees of pupils paid by the Authority under Section 14 of the 1902 Act. This section has been repealed.

† *See* Grant Regulations, No. 6.

‡ *See* "Regulations under which Grants are Payable by the Board of Education to Day Nurseries in England and Wales."

§ *See* "Regulations under which Grants to Schools for Mothers in England and Wales will be made by the Board of Education."

Evening Play Centres.—See note on p. 46.*
Grants as for Nursery Schools.

Special Schools.—See p. 50.*
Where these schools are non-provided the following grants are made :—

For each unit of attendance of a Blind or Deaf child as a Day Scholar, £8, 10s., and as a Boarded Scholar, £16, 10s. The corresponding rates for Epileptic and Defective children are £7, 10s. and £15, 10s. No attendance by a child under two, or who will be over sixteen at the end of the current term, or for whom, or on account of whom, any payment is made by an Authority or any other Government Department, may be counted.

These rates may be increased by £4 for Day Scholars and £9 for Boarded Scholars who, by reason of their physical condition, are sent to open-air schools.

Institutions providing Trade Training for Children from Special Schools.†—Grant is paid at the rate of 14s. per pupil per month, with a maximum of £7 per annum.

Higher Education Grants to Local Education Authorities.‡—Substantive grants are made for the different services, some of which are detailed below, and if during the year the total grants§ are less than one-half the authorised net expenditure, the difference is made up by a "Deficiency Grant."

Where expenses are incurred in respect of a service for which a grant is received from another Government

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* *See* Grant Regulations, No. 7. These are provisional and will be superseded by others, which will probably be substantially the same.

† *See* "Regulations for Institutions providing Instruction, etc., for Students from Special Schools" (Cd. 8505).

‡ *See* Grant Regulations, No. 4. Note that grants for Higher Education may be made to a "Part II." or "Part III." Local Education Authority, but not to a Council which is not a Local Education Authority.

§ Including "Whisky Money" (*see* p. 87).

Department (*e.g.* Agricultural Instruction) such expenses and the grants received are both eliminated from the account.

The authorised net expenditure is ascertained as in the case of expenditure for elementary purposes.

Grants are paid to Authorities to the amount of one-half of their net expenditure on "Choice of Employment" * and maintenance of pupils (other than Bursars or Scholars) in secondary schools.† For Pupil Teachers £3, 10s. to £6 per annum is paid, with a final grant of £10 on satisfactory completion of the course laid down for them. For Bursars who attend for four years at a secondary school, and satisfy the same requirements as for Pupil Teachers, one-half of the expenditure up to £15, plus a final grant of £10, is paid. A grant of £2 per annum for travelling expenses of Bursars and Pupil Teachers is also paid, except in London.‡ Grants are also made in respect of other services, *e.g.* scholarships. All these payments are taken into account in fixing the Deficiency Grant.

Higher Education Grants to certain Institutions.

The following grants will be paid to the Local Education Authority where the institution is provided, otherwise to the managers.

Secondary Schools.§—The full grant is as follows :—

(*a*) £2 for pupils between ten and eleven who have been at a Public Elementary School for two

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* *See* "Regulations providing for choice of Employment Grants."

† *See* Grant Regulations, No. 14. The grant will not exceed a maximum equal to 3s. per head on children in *Public Elementary Schools* in the area of the Authority, including those under other Part III. Authorities in that area. It must be strictly for maintenance and must not be applied directly or indirectly for purchase of books, etc.

‡ *See* "Regulations for the Training of Teachers."

§ *See* Grant Regulations, No. 10.

years, and have entered a Secondary School immediately after.

(*b*) £7 for pupils between eleven and eighteen.

The ages of the pupils are recorded on 1st October, 1st February, and 1st June, and the average taken. Where the total grant is less than £350 the Board may increase it to this sum. An additional grant up to £2 may be made for each pupil entered (as a member of a form) for an approved First or Second Examination. In all cases the grant for a pupil may be withheld on a report from an Inspector as to unfitness, or for faulty attendance.

Modified grants are paid in certain cases to schools which do not comply with certain requirements (*see* p. 42). The £350 minimum does not apply to such schools.

Junior Technical Schools.—See p. 44.* £3 per pupil under thirteen at the beginning of the year, £5 for older pupils. Where instruction is specially costly the grant may be £7.

Technical Institutes.—See p. 44.* Full grant is not more than £10 for the first year, £12 for the second, and £15 for subsequent years for each pupil who has attended 800 hours in a year. Three-quarter grant will be paid for 600 hours, and smaller grants for shorter attendances when these are due to special causes.

Evening Schools.—See p. 44.* Grants to these may be made according to the instruction given,† or a block grant may be made assessed on the general work of the school and periodically revised. A block grant may also be paid to a Local Education Authority in respect of all such schools under its direction.

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* *See* "Regulations for Technical Schools, etc." (Cd. 9152).

† The provisions for these grants are too long to be given here, and the Regulations must be consulted.

Schools of Art and Art Classes.—See p. 45.* Schools of Art receive a block grant based on general work. A grant of £15 for each pupil teacher between seventeen and twenty-one may also be paid.

Art Classes receive a grant based on student hours. The grant per twenty student hours varies between 2s. 6d. and 15s.

University Tutorial Classes.—See p. 45.* The maximum grant is £45 per annum, or three-quarters of the tutor's fee, whichever is the less. It is decreased unless a certain standard of attendance is attained. This grant is paid to the University, or to a Local Education Authority, if the latter takes full financial responsibility.

In all the above cases the grants may be decreased for inefficiency, etc., and may be increased (except in the case of Tutorial Classes) owing to the increase in the rates of salaries, etc.

Training Colleges for Teachers.†—Grants are made in respect of teachers completing various courses, entering for certain examinations, etc., and also Grants in Aid of Building Colleges and Hostels, or for rent of premises taken. The details of these grants are too long to give here, and the Regulations must be consulted.

Schools of Nautical Training.‡—Grant at the rate of £10 per pupil per annum for approved courses.

XXI. INSPECTION AND RETURNS OF INFORMATION.

The Board have the right to inspect all schools and other educational institutions which are in receipt of 1899, A., sec. 3.

* *See* "Regulations for Technical Schools, etc." (Cd. 9152).
† *See* "Regulations for Training of Teachers."
‡ *See* "Regulations for Schools of Nautical Training."

grants or on the list of recognised schools. They may also inspect other schools supplying secondary education on request.*

The Local Education Authority have a right to inspect all schools and institutions provided or maintained or aided by them.

These inspections may be made at any time.

Local Education Authorities and the governing body and managers of any schools in receipt of grant are required to supply to the Board such information and returns as they may demand.

1918, sec. 28. The name, address, and a short description of *every* school or educational institute not receiving grants from the Board must be sent to them before 1st July 1919, or if opened after that date within three months of the opening. This must be done without any request from the Board. Any further particulars then asked for must also be furnished. The secretary of the governing body, or if there is no such body, then the headmaster, is responsible for this.

The Board may, if requested, inspect, free of cost, any such institution.†

XXII. MISCELLANEOUS PROVISIONS.

Bye-laws.—Local Education Authorities are given power, and in some cases required, to make bye-laws on various subjects. The effect of such bye-laws if validly made, within the district covered by them, is the same as if they were part of the Act under which they were made.

In making such bye-laws it is necessary to remember the following points :—

1899, A., sec. 3. *A "Part II." Authority may contribute to the expenses of inspection of any such school in the county.

† The form of the return is laid down by S.O. 584 of 1919. It must state type of education and the industry (if any) to which such education is specially related, the number, sex, and age of pupils, and whether they are day pupils or boarders, whether the school is conducted for private profit, and who are the managers.

(*a*) The bye-laws must be *intra vires*, *i.e.* they must not go beyond the powers the Act gives for making them.
(*b*) They must be reasonable.
(*c*) They must be clear and not ambiguous, since their effect is to make that unlawful which would otherwise be lawful (or vice versa), and it is essential that offences should be clearly defined.
(*d*) All the required formalities as to making and publishing them must be observed.
(*e*) They must be approved by the body (if any) whose approval is required by the Act.

Approval does not, however, make bye-laws valid if they would otherwise be invalid, *e.g.* if they are *ultra vires*.

If a bye-law is invalid it is ineffective for all purposes, except in a few cases where it can be said that the bye-law is clearly severable into parts, some of which are good and some of which are bad. Thus if a bye-law raised the age of school attendance to sixteen (the Act only giving the power to raise it to fifteen), no conviction could be obtained on it, even in the case of a child under fifteen.

It is, of course, unnecessary to make bye-laws unless it is desired to change (within the permissible limits) the law as enacted. Thus there is no object in making a bye-law, "No child under twelve shall be employed."

Bye-laws can be altered by new bye-laws made and approved in the authorised manner.

The Board often publishes model bye-laws, which can be adopted or modified by Local Education Authorities.

Local Education Authorities have power to make bye-laws on the following subjects :—

As to school attendance, including provisions as to 1870, sec. 74.

1900, sec. 6. 1918, sec. 8. penalties for non-attendance, minimum distance to school excusing attendance, etc.*

1903, sec. 1. 1918, sec. 13 (1). As to employment of children under fourteen.† ‡

1904, sec. 2. 1918, sec. 13 (2). As to hours of employment of children engaged in entertainments, etc.‡

1903, sec. 2. As to street trading by young persons under sixteen.‡

1918, sec. 8. As to the lower and upper limits of compulsory age for school attendance.*

Offences.

The following list shows the *maximum* penalties in regard to certain offences :—

1870, sec. 74. 1876, sec. 12. 1900, sec. 6. *School Attendance.*—Failure to cause a child to attend schools according to the bye-laws or the terms of an attendance order, £1.

1873, sec. 24 (4). Neglecting to produce child when ordered on a summons for non-attendance, £1.

1918, sec. 11. Young person failing to attend continuation class—first offence, 5s.; subsequent offence, £1. Parent conducing to such non-attendance—first offence, £2; subsequent offence, £5; or may be ordered to pay young offender's fine.

1908, sec. 99.

1918, sec. 15 (2). *Employment of Children.*—Parent or employer failing to give information, £2.

1918, sec. 16. Employing a child so as to prevent his attending school, or in contravention of prohibition of employment, or employing a young person so as to prevent him attending continuation classes, or at a time when he should be released—first offence, £2; second offence, £5.

1903, sec. 5. Employer who employs a person under sixteen in contravention of 1903 Act or bye-law thereunder, or a parent who has conduced to the commission of such

* Subject to approval by the Board.

† Different bye-laws on this subject may be made for different parts of the Authorities' area.

‡ Subject to approval by the Home Office.

offence by habitual or wilful default—first offence, £2 ; second offence, £5.

Employing children on licensed premises or for entertainment contrary to law—fine of £25 and three months' hard labour. 1904, sec. 2.

Person under sixteen who infringes provisions as to street trading—first offence, £1 ; second offence, £5 ; or, if a child, may be sent to an Industrial School or put under the charge of some other person. 1903, sec. 5.

Offences relating to Industrial or Reformatory Schools.—Neglecting to produce a child, who has escaped, when ordered to do so, £1. 1908, sec. 67 (6).

Assisting escape or harbouring a person escaping from school or when on licence, £20 or two months' hard labour. 1908, sec. 72.

Cruelty.—Persons having charge of children under fourteen convicted of ill-treatment—on summary conviction, fine of £5 and six months' hard labour ; on indictment, fine of £100 and two years' hard labour. 1908, sec. 12.

Miscellaneous Offences.—Injuring notice under Education Acts, £2. 1873, sec. 20.

Forging or counterfeiting or knowingly using false certificate, three months' hard labour. 1873, sec. 25. 1876, sec. 37.

Making false statement in order to procure, etc., an allowance (*see* p. 83)—summary conviction, fine of £25 or three months' imprisonment ; on indictment, two years' imprisonment. 1918, A., sec. 11.

In the case of conviction where the offender is a child the Court shall, and where he is a young person the Court may, order the parent to pay the fine and costs. 1908, sec. 99.

Legal Proceedings.—All proceedings for offences under the Education Acts are heard before a Court of Summary Jurisdiction. Any person may appear by another person authorised by him. 1870, sec. 92. 1873, sec. 24.

If a child is, in the opinion of the Court, apparently of a certain age, the onus lies on the defendant of proving this is not so.*

In cases of non-attendance the Court may require the parent or employer to produce the child. In non-attendance cases a certificate by the head teacher of a Public Elementary School as to attendance or non-attendance, or as to the standard reached by the child, is evidence of such facts. If, owing to default of the managers, the Authority cannot ascertain if a child resident in their district has attended school, the onus is on the defendant to prove attendance.

1870, sec. 85. A Local Education Authority may appear in *all* legal proceedings by their clerk, or a member authorised by a resolution of such Authority.

1873, sec. 25. *Certificates.*—Where under the Education Acts a certificate is evidence, it is an offence to forge a certificate or knowingly make a false certificate, or to use a certificate known to be false or forged.

1870, secs. 81 and 82. *Notices, Documents, etc.*—All notices, etc., may be served by post (unless the contrary is provided), and if posting is proved shall be deemed (unless the contrary is proved) to have been delivered in the ordinary course.

Notices, etc., to a Local Education Authority may be sent to their office or served on their clerk.

1873, sec. 20. Notices may be published by advertisement, or by affixing in public places, or in such other ways as the Board may direct. It is an offence to destroy such

1870, sec. 82. notices. Any documents, etc., of a Local Education Authority, purporting to be signed by the proper official, shall be deemed to be genuine (in the

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1876, secs. 24 and 25. * A certificate (which is evidence) can be procured from a Registrar of Births and Deaths on payment of 6d., or, if the Local Education Authority have this, the parent can procure a copy for 4d. (*See* S.O. 308 of 1901.)

absence of proof to the contrary), and may be given in evidence.

Public Inquiries.—When a public inquiry is necessary under the Education Acts, the Board appoints a person who holds such inquiry in the neighbourhood affected. Any person may attend and give evidence or make representations. A written report is made, which the Board sends to the Local Education Authority, and (on payment) to any person interested who asks for it. The Board may order that the Local Education Authority, or the applicant for the inquiry, shall pay an amount certified by them towards the costs, and such amount may be recovered as a debt. An applicant may be required to give security for costs. 1918, sec. 40.

Contribution Orders.—Where children in one area are attending schools in another area, the Local Education Authority of the second area may apply that the Local Education Authority for the first area shall make a contribution to the cost of their education, and the Board, after hearing both parties, may make such order as it thinks fit. 1911, sec. 1.

Children on Canal Boats.—Children on canal boats are considered as resident in the place at which the boat is registered. Their parents may, however, choose some other district, and on satisfying the Local Education Authority at the place of registration that the child is being educated at such other place, shall receive a certificate to that effect. This certificate may afterwards be varied at the request of the parent, or cancelled by the Authority if it is satisfied that the child is not being properly educated. Canal companies have power to establish day or residential schools at which such children are educated. The Board issues an Annual Report as to the education of these children. 40 & 41 Vict. c. 60, sec. 6. 40 & 41 Vict. c. 60, sec. 6. 47 & 48 Vict. c. 75, sec. 5. 40 & 41 Vict. c. 60, sec. 12. 47 & 48 Vict. sec. 6.

35 & 36 Vict. c. 33, secs. 6 and 20. 51 & 52 Vict. c. 41, sec. 75 (16) (*g*). 7 & 8 Geo. 5. c. 64, sec. 25. 46 & 47 Vict. c. 51, sec. 20.

Elections.—The premises of a school receiving a Parliamentary grant may be used for polling, etc., at Parliamentary and Municipal Elections, and any candidate at a Parliamentary Election has the right to use them for meetings out of school hours, but they must not be hired as committee rooms. Damage must be paid for, and a reasonable charge may be made for lighting, cleaning, etc.

60 & 61 Vict. c. 5, sec. 3.

Rating.—The property of Local Education Authorities is liable to the ordinary rates, but the premises of voluntary schools are exempt from local rates.

1918, sec. 49.

Compensation to Displaced Officers.—Provision is made for payment of compensation to officers of an Authority (including teachers in Public Elementary Schools), who suffer direct pecuniary loss by abolition of office or diminution of fees or salary, brought about by the provisions of this Act.*

XXIII. LOCAL PROVISIONS.

Wales.—The Education Acts apply to Wales equally with England, and with regard to Elementary Education there is no distinction between the two countries.

With regard to Secondary Education, the Councils of counties are also the Local Education Authorities, and have all the powers and duties that such Authorities have in England. There are, however, certain differences, rather of form than substance, dating from the Welsh Intermediate Education Act, 1889, by which schemes for Intermediate and Technical Education †

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51 & 52 Vict. c. 41, sec. 120.

* The compensation is to be paid according to the rules laid down in the Local Government Act, 1888. All the circumstances of the case, including offers of employment in other positions, must be regarded by the Authority in fixing the compensation. The amount must not exceed that fixed by the Treasury Scale. The claimant may appeal to the Treasury. It is not probable that many such claims will arise under the present Act.

1889, sec. 17.

† "Intermediate" education, as defined by the Act, is in substance "Higher Education." "Technical" education includes scientific, artistic, and commercial subjects, but not industrial training.

were directed to be made for each county. Such schemes dealt with the endowments of endowed schools within the county, and also provided for a contribution by the County Council, which could not exceed the amount raised by a halfpenny rate, plus any amount received from other sources, *e.g.* "Whisky Money" (*see* p. 87). To this the Treasury might add a grant not exceeding the amount contributed by the County Council.* 1889, sec. 8.

Part of this fund was used in the county, and part went to the expenses of the Welsh Central Board.†

The application of funds within the county was in the hands of a "governing body," whose functions have been transferred to the County Council. 1902, sec. 17 (8).

In effect, therefore, the County Council has complete control over the Higher Education of the county, except that the minimum grant to the various schools is fixed by the schemes, and can only be varied by leave of the Board.

There are certain differences in the curriculum, training of teachers, etc., due to the fact that the Welsh language may be an optional or compulsory part of the curriculum.‡

Monmouthshire is regarded as part of Wales for the purpose of the above provisions.

London.—The following are the principal modifications of the Education Acts in regard to the county of London :—

The London County Council is the Local Education Authority for the whole of the area, both for "Part 1903, A., Sch. 1 (1).

* For requirements, etc., for schools under these schemes, *see* Regulations of 10th November 1900. For form of Financial Statement by Governing Bodies, *see* S.O. 209 of 1915.

† This contribution is now fixed at 22½ per cent. of the amount of a halfpenny rate, plus 5 per cent. of the net income from endowments. Capitation fees for examination are abolished. 1918, sec. 42.

‡ *See* "Regulations for Elementary Schools in Wales," "Regulations for Secondary Schools in Wales," "Regulations for Preliminary Education and Training of Teachers in Wales," etc.

1903, A., Sch. 1 (5). II." and " Part III." purposes. It has the sole power of borrowing for education purposes.

1903, A., Sch. 1 (1). It may delegate powers with regard to individual schools to the Councils of boroughs within its area.

1903, A., sec. 2 (2). It cannot, however, set up a new school * within a borough without consulting the Council of such borough, and the Board shall not approve an order for compulsory purchase of land within a borough without such Council's consent, unless the consent is unreasonably withheld.†

1903, A., sec. 3. A Public Elementary School provided by the School Board outside London is deemed to be in the nearest Metropolitan borough.

1903, A., Sch. 1 (4). The provisions as to certain expenses being charged or not charged to certain areas (*see* p. 89) do not apply to London.

1903, A., sec. 2 (1). The Borough Councils have the power of grouping schools in their borough, and appoint two-thirds of the managers, while the County Council appoint one-third. One-third of the managers must be women, and managers may only be appointed for three years, but may be reappointed.‡

1903, A., sec. 4 (2). In the above provisions the city is considered as a borough, but the City Corporation is the " Local Authority " for the purposes of the Employment of Children Act, 1903, and the Children's Act, 1908 (*see* Section XVIII.), within the city.

1918, sec. 13 (1) (iv.).

1908, sec. 74 (18).

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* This does not include enlarging a Public Elementary School.

† None of these provisions apply to a school of a non-local character, *e.g.* a special school.

1918, sec. 32. ‡ This does not apply to central schools.

APPENDIX

EDUCATION ACT, 1918.

[8 & 9 GEO. 5. CH. 39.]

ARRANGEMENT OF SECTIONS.

A.D. 1918.

National System of Public Education.

SECTION		PAGE
1.	Progressive and comprehensive organisation of education	113
2.	Development of education in public elementary schools	113
3.	Establishment of continuation schools	114
4.	Preparation and submission of schemes	115
5.	Approval of schemes by Board of Education	116
6.	Provisions as to co-operation and combination	116
7.	Provision as to amount of expenditure for education	117

Attendance at School and Employment of Children and Young Persons.

8.	Provisions as to attendance at elementary schools	117
9.	Provisions for avoidance of broken school terms	119
10.	Compulsory attendance at continuation schools	120
11.	Enforcement of attendance at continuation schools	123
12.	Administrative provisions relating to continuation schools	124
13.	Amendment of 3 Edw. 7. c. 45 and 4 Edw. 7. c. 15	124
14.	Prohibition against employment of children in factories, workshops, mines, and quarries	127
15.	Further restrictions on employment of children	127
16.	Penalties on illegal employment of children and young persons	127

Extension of Powers and Duties.

17.	Power to promote social and physical training	128
18.	Medical inspection of schools and educational institutions	128
19.	Nursery schools	129
20.	Education of physically defective and epileptic children	130
21.	Powers for the education of children in exceptional circumstances	130
22.	Amendment of Education (Choice of Employment) Act, 1910	130
23.	Power to aid research	130
24.	Provision of maintenance allowances	131
25.	Provisions as to medical treatment	131

SEC. PAGE

Abolition of Fees in Public Elementary Schools.

26. Abolition of fees in public elementary schools . 131

Administrative Provisions.

27. Voluntary inspection of schools . . . 131
28. Collection of information respecting schools . 132
29. Provisions with respect to appointment of certain classes of teachers 133
30. Provisions as to closing of schools . . . 133
31. Grouping of non-provided schools of the same denominational character 134
32. Provisions relating to central schools and classes 134
33. Saving for certain statutory provisions . . 134
34. Acquisition of land by local education authority . 135
35. Power to provide elementary schools outside area 135
36. Amendments with respect to the allocation of expenses to particular areas 136
37. Provisions as to expenses of Provisional Orders, etc. 136
38. Expenses of education meetings, conferences, etc. 136
39. Power to pay expenses of prosecution for cruelty 137
40. Public inquiries by Board of Education . . 137
41. Inspection of minutes 138
42. Payments to the Central Welsh Board . . 138
43. Evidence of certificates, etc., issued by local education authorities 139

Education Grants.

44. Education grants 140

Educational Trusts.

45. Power to constitute official trustees of educational trust property 141
46. Exemption of assurance of property for educational purposes from certain restrictions under the Mortmain Acts 142
47. Appointment of new trustees under scheme . 142

General.

48. Definitions 142
49. Compensation to existing officers . . . 143
50. Extension of certain provisions of the Education Acts 144
51. Repeals 144
52. Short title, construction, extent, and commencement 144

SCHEDULES 145

THE EDUCATION ACT, 1918.

CHAPTER 39.

An Act to make further provision with respect to Education in England and Wales and for purposes connected therewith. [8th August 1918.] A.D. 1918.

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

National System of Public Education.

Progressive and comprehensive organisation of education.

1. With a view to the establishment of a national system of public education available for all persons capable of profiting thereby, it shall be the duty of the council of every county and county borough, so far as their powers extend, to contribute thereto by providing for the progressive development and comprehensive organisation of education in respect of their area, and with that object any such council from time to time may, and shall when required by the Board of Education, submit to the Board schemes showing the mode in which their duties and powers under the Education Acts are to be performed and exercised, whether separately or in co-operation with other authorities.

Development of education in public elementary schools. 2 Edw. 7. c. 42.

2.—(1) It shall be the duty of a local education authority so to exercise their powers under Part III. of the Education Act, 1902, as—

(*a*) to make, or otherwise to secure, adequate and suitable provision by means of central schools, central or special classes, or otherwise—

(i) for including in the curriculum of public elementary schools, at appropriate stages, practical instruction suitable to the ages, abilities, and requirements of the children ; and

(ii) for organising in public elementary schools courses of advanced instruction for the older or more intelligent children in attendance at such schools, including children who stay at such schools beyond the age of fourteen;

(*b*) to make, or otherwise to secure, adequate and suitable arrangements under the provisions of paragraph (*b*) of subsection (1) of section thirteen of the Education (Administrative Provisions) Act, 1907, for attending to the health and physical condition of children educated in public elementary schools; and

7 Edw. 7. c. 43.

(*c*) to make, or otherwise to secure, adequate and suitable arrangements for co-operating with local education authorities for the purposes of Part II. of the Education Act, 1902, in matters of common interest, and particularly in respect of—

(i) the preparation of children for further education in schools other than elementary, and their transference at suitable ages to such schools; and

(ii) the supply and training of teachers;

and any such authority from time to time may, and shall when required by the Board of Education, submit to the Board schemes for the exercise of their powers as an authority for the purposes of Part III. of the Education Act, 1902.

(2) So much of the definition of the term "elementary school" in section three of the Elementary Education Act, 1870, as requires that elementary education shall be the principal part of the education there given, shall not apply to such courses of advanced instruction as aforesaid.

33 & 34 Vict. c. 75.

Establishment of continuation schools.

3.—(1) It shall be the duty of the local education authority for the purposes of Part II. of the Education Act, 1902, either separately or in co-operation with other local education authorities, to establish and maintain, or secure the establishment and maintenance under their control and direction, of a sufficient supply of continuation schools in which suitable courses of study, instruction, and physical training are provided without payment of fees for all young persons resident in their area who are, under this Act, under an obligation to attend such schools.

(2) For the purposes aforesaid the local education authority from time to time may, and shall when required by the Board of Education, submit to the Board schemes

for the progressive organisation of a system of continuation schools, and for securing general and regular attendance thereat, and in preparing schemes under this section the local education authority shall have regard to the desirability of including therein arrangements for co-operation with universities in the provision of lectures and classes for scholars for whom instruction by such means is suitable.

(3) The council of any county shall, if practicable, provide for the inclusion of representatives of education authorities for the purposes of Part III. of the Education Act, 1902, in any body of managers of continuation schools within the area of those authorities.

Preparation and submission of schemes.

4.—(1) The council of any county, before submitting a scheme under this Act, shall consult the other authorities within their county (if any) who are authorities for the purposes of Part III. of the Education Act, 1902, with reference to the mode in which and the extent to which any such authority will co-operate with the council in carrying out their scheme, and when submitting their scheme shall make a report to the Board of Education as to the co-operation which is to be anticipated from any such authority, and any such authority may, if they so desire, submit to the Board as well as to the council of the county any proposals or representations relating to the provision or organisation of education in the area of that authority for consideration in connection with the scheme of the county.

(2) Before submitting schemes under this Act a local education authority shall consider any representations made to them by parents or other persons or bodies of persons interested, and shall adopt such measures to ascertain their views as they consider desirable, and the authority shall take such steps to give publicity to their proposals as they consider suitable, or as the Board of Education may require.

(3) A local education authority in preparing schemes under this Act shall have regard to any existing supply of efficient and suitable schools or colleges not provided by local education authorities, and to any proposals to provide such schools or colleges.

(4) In schemes under this Act adequate provision shall be made in order to secure that children and young persons shall not be debarred from receiving the benefits of any

form of education by which they are capable of profiting through inability to pay fees.

Approval of schemes by Board of Education.

5.—(1) The Board of Education may approve any scheme (which term shall include an interim, provisional, or amending scheme) submitted to them under this Act by a local education authority, and thereupon it shall be the duty of the local education authority to give effect to the scheme.

(2) If the Board of Education are of opinion that a scheme does not make adequate provision in respect of all or any of the purposes to which the scheme relates, and the Board are unable to agree with the authority as to what amendments should be made in the scheme, they shall offer to hold a conference with the representatives of the authority and, if requested by the authority, shall hold a public inquiry in the matter.

(3) If thereafter the Board of Education disapprove a scheme, they shall notify the authority, and, if within one month after such notification an agreement is not reached, they shall lay before Parliament the report of the public inquiry (if any) together with a report stating their reasons for such disapproval and any action which they intend to take in consequence thereof by way of withholding or reducing any grants payable to the authority.

Provisions as to co-operation and combination.

6.—(1) For the purpose of performing any duty or exercising any power under the Education Acts, a council having powers under those Acts may enter into such arrangements as they think proper for co-operation or combination with any other council or councils having such powers, and any such arrangement may provide for the appointment of a joint committee or a joint body of managers, for the delegation to that committee or body of managers of any powers or duties of the councils (other than the power of raising a rate or borrowing money), for the proportion of contributions to be paid by each council, and for any other matters which appear necessary for carrying out the arrangement.

(2) The Board of Education may, on the application of two or more councils having powers under the Education Acts, by scheme provide for the establishment and (if thought fit) the incorporation of a federation for such purposes of any such arrangements as aforesaid as may be specified in the scheme as being purposes relating to matters of common interest concerning education which it is necessary or convenient to consider in relation to areas larger

than those of individual education authorities, and the powers conferred on councils by this section shall include power to arrange for the performance of any educational or administrative functions by such a federation as if it were a joint committee or a joint body of managers:

Provided that no council shall without its consent be included in a scheme establishing a federation, and no council shall be obliged to continue in a federation except in accordance with the provisions of a scheme to which it has consented.

(3) A scheme made by the Board of Education constituting a federation, and an arrangement establishing a joint committee or a joint body of managers, shall provide for the appointment of at least two-thirds of the members by councils having powers under the Education Acts, and may provide either directly or by co-optation for the inclusion of teachers or other persons of experience in education and of representatives of universities or other bodies.

(4) A scheme constituting a federation may on the application of one or more of the councils concerned be modified or repealed by a further scheme, and, where a scheme provides for the discontinuance of a federation, provision may be made for dealing with any property or liabilities of the federation.

(5) Where any arrangement under this section provides for the payment of an annual contribution by one council to another, the contribution shall, for the purposes of section nineteen of the Education Act, 1902, form part of the security on which money may be borrowed under that section.

Provision as to amount of expenditure for education.

7. The limit under section two of the Education Act, 1902, on the amount to be raised by the council of a county out of rates for the purpose of education other than elementary shall cease to have effect.

Attendance at School and Employment of Children and Young Persons.

Provisions as to attendance at elementary schools.

8.*—(1) Subject as provided in this Act, no exemption from attendance at school shall be granted to any child between the ages of five and fourteen years, and any enactment giving a power, or imposing a duty, to provide for any such exemption, and any provision of a bye-law providing for any such exemption, shall cease to have effect, without

* This subsection is not yet in force.

prejudice to any exemptions already granted. Any bye-law which names a lower age than fourteen as the age up to which a parent shall cause his child to attend school shall have effect as if the age of fourteen were substituted for that lower age.

63 & 64 Vict. c. 53.

(2)* In section seventy-four of the Elementary Education Act, 1870, as amended by section six of the Elementary Education Act, 1900, fifteen years shall be substituted for fourteen years as the maximum age up to which bye-laws relating to school attendance may require parents to cause their children to attend school, and any such bye-law requiring attendance at school of children between the ages of fourteen and fifteen may apply either generally to all such children, or to children other than those employed in any specified occupations :

Provided that it shall be lawful for a local education authority to grant exemption from the obligation to attend school to individual children between the ages of fourteen and fifteen for such time and upon such conditions as the authority think fit in any case where after due inquiry the circumstances seem to justify such an exemption.

(3) It shall not be a defence to proceedings relating to school attendance under the Education Acts or any bye-laws made thereunder that a child is attending a school or institution providing efficient elementary instruction unless the school or institution is open to inspection either by the local education authority or by the Board of Education, and unless satisfactory registers are kept of the attendance of the scholars thereat.

(4) A local education authority may with the approval of the Board of Education make a bye-law under section seventy-four of the Elementary Education Act, 1870, providing that parents shall not be required to cause their children to attend school or to receive efficient elementary instruction in reading, writing, and arithmetic before the age of six years :

Provided that in considering any such bye-law the Board shall have regard to the adequacy of the provision of nursery schools for the area to which the bye-law relates, and shall, if requested by any ten parents of children attending public elementary schools for that area, hold a public inquiry for the purpose of determining whether the bye-law should be approved.

(5) Notwithstanding anything in the Education Acts the

* This subsection is not yet in force.

Board of Education may, on the application of the local education authority, authorise the instruction of children in public elementary schools till the end of the school term in which they reach the age of sixteen or (in special circumstances) such later age as appears to the Board desirable :

Provided that, in considering such application, the Board shall have regard to the adequacy and suitability of the arrangements made by the authority under paragraphs (*a*) and (*c*) of subsection (1) of section two of this Act and to the effective development and organisation of all forms of education in the area, and to any representations made by the managers of schools.

(6) The power of a local education authority under section seven of the Education Act, 1902, to give directions as to secular instruction shall include the power to direct that any child in attendance at a public elementary school shall attend during such hours as may be directed by the authority at any class, whether conducted on the school premises or not, for the purpose of practical or special instruction or demonstration, and attendance at such a class shall, where the local education authority so direct, be deemed for the purpose of any enactment or bye-law relating to school attendance to be attendance at a public elementary school :

Provided that, if by reason of any such direction a child is prevented on any day from receiving religious instruction in the school at the ordinary time mentioned in the time-table, reasonable facilities shall be afforded, subject to the provisions of section seven of the Elementary Education Act, 1870, for enabling such child to receive religious instruction in the school at some other time.

(7) In section eleven of the Elementary Education Act, 1876 (which relates to school attendance) for the words " there is not within two miles " there shall be substituted the words " there is not within such distance as may be prescribed by the bye-laws." 39 & 40 Vict. c. 79.

(8) Nothing in this section shall affect the provisions of the Elementary Education (Blind and Deaf Children) Act, 1893, or the Elementary Education (Defective and Epileptic Children) Acts, 1899 to 1914, relating to the attendance at school of the children to whom those Acts apply. 56 & 57 Vict. c. 42.

Provisions for avoidance of broken school terms.

9.—(1) If a child who is attending or is about to attend a public elementary school or a school certified by the Board

of Education under the Elementary Education (Blind and Deaf Children) Act, 1893, or the Elementary Education (Defective and Epileptic Children) Acts, 1899 to 1914, attains any year of age during the school term, the child shall not, for the purpose of any enactment or bye-law, whether made before or after the passing of this Act, relating to school attendance, be deemed to have attained that year of age until the end of the term.

(2) The local education authority for the purposes of Part III. of the Education Act, 1902, may make regulations with the approval of the Board of Education providing that a child may, in such cases as are prescribed by the regulations, be refused admission to a public elementary school or such certified school as aforesaid except at the commencement of a school term.

Compulsory attendance at continuation schools.

10.*—(1) Subject as hereinafter provided, all young persons shall attend such continuation schools at such times, on such days, as the local education authority of the area in which they reside may require, for three hundred and twenty hours in each year, distributed as regards times and seasons as may best suit the circumstances of each locality, or, in the case of a period of less than a year, for such number of hours distributed as aforesaid as the local education authority, having regard to all the circumstances, consider reasonable :

Provided that—

(*a*) the obligation to attend continuation schools shall not, within a period of seven years from the appointed day on which the provisions of this section come into force, apply to young persons between the ages of sixteen and eighteen, nor after that period to any young person who has attained the age of sixteen before the expiration of that period ; and

(*b*) during the like period, if the local education authority so resolve, the number of hours for which a young person may be required to attend continuation schools in any year shall be two hundred and eighty instead of three hundred and twenty.

(2) Any young person—

(i) who is above the age of fourteen years on the appointed day ; or

(ii) who has satisfactorily completed a course of training for, and is engaged in, the sea service, in accordance

* This section is not yet in force.

with the provisions of any national scheme which may hereafter be established, by Order in Council or otherwise, with the object of maintaining an adequate supply of well-trained British seamen, or, pending the establishment of such scheme, in accordance with the provisions of any interim scheme approved by the Board of Education ; or

(iii) who is above the age of sixteen years and either—

(*a*) has passed the matriculation examination of a university of the United Kingdom or an examination recognised by the Board of Education for the purposes of this section as equivalent thereto ; or

(*b*) is shown to the satisfaction of the local education authority to have been up to the age of sixteen under full-time instruction in a school recognised by the Board of Education as efficient or under suitable and efficient full-time instruction in some other manner,

shall be exempt from the obligation to attend continuation schools under this Act unless he has informed the authority in writing of his desire to attend such schools and the authority have prescribed what school he shall attend.

(3) The obligation to attend continuation schools under this Act shall not apply to any young person—

(i) who is shown to the satisfaction of the local education authority to be under full-time instruction in a school recognised by the Board of Education as efficient or to be under suitable and efficient full-time instruction in some other manner ; or

(ii) who is shown to the satisfaction of the local education authority to be under suitable and efficient part-time instruction in some other manner for a number of hours in the year (being hours during which if not exempted he might be required to attend continuation schools) equal to the number of hours during which a young person is required under this Act to attend a continuation school.

(4) Where a school supplying secondary education is inspected by a British university, or in Wales or Monmouthshire by the Central Welsh Board, under regulations made by the inspecting body after consultation with the Board of Education, and the inspecting body reports to the Board of Education that the school makes satisfactory provision for the education of the scholars, a young person who is attend-

ing, or has attended, such a school shall for the purposes of this section be treated as if he were attending, or had attended, a school recognised by the Board of Education as efficient.

(5) If a young person who is or has been in any school or educational institution, or the parent of any such young person, represents to the Board that the young person is entitled to exemption under the provisions of this section, or that the obligation imposed by this section does not apply to him, by reason that he is or has been under suitable and efficient instruction, but that the local education authority have unreasonably refused to accept the instruction as satisfactory, the Board of Education shall consider the representation, and, if satisfied that the representation is well founded, shall make an order declaring that the young person is exempt from the obligation to attend a continuation school under this Act for such period and subject to such conditions as may be named in the order:

Provided that the Board of Education may refuse to consider any such representation unless the local education authority or the Board of Education are enabled to inspect the school or educational institution in which the instruction is or has been given.

(6) The local education authority may require, in the case of any young person who is under an obligation to attend a continuation school, that his employment shall be suspended on any day when his attendance is required, not only during the period for which he is required to attend the school, but also for such other specified part of the day, not exceeding two hours, as the authority consider necessary in order to secure that he may be in a fit mental and bodily condition to receive full benefit from attendance at the school: Provided that, if any question arises between the local education authority and the employer of a young person whether a requirement made under this subsection is reasonable for the purposes aforesaid, that question shall be determined by the Board of Education, and, if the Board of Education determine that the requirement is unreasonable, they may substitute such other requirement as they think reasonable.

(7) The local education authority shall not require any young person to attend a continuation school on a Sunday, or on any day or part of a day exclusively set apart for religious observance by the religious body to which he

belongs, or during any holiday or half-holiday to which by any enactment regulating his employment or by agreement he is entitled, not so far as practicable during any holiday or half-holiday which in his employment he is accustomed to enjoy, nor between the hours of seven in the evening and eight in the morning: Provided that the local education authority may, with the approval of the Board, vary those hours in the case of young persons employed at night or otherwise employed at abnormal times.

(8) A local education authority shall not, without the consent of a young person, require him to attend any continuation school held at or in connection with the place of his employment. The consent given by a young person for the purpose of this provision may be withdrawn by one month's notice in writing sent to the employer and to the local education authority.

Any school attended by a young person at or in connection with the place of his employment shall be open to inspection either by the local education authority or by the Board of Education at the option of the person or persons responsible for the management of the school.

(9) In considering what continuation school a young person shall be required to attend a local education authority shall have regard, as far as practicable, to any preference which a young person or the parent of a young person under the age of sixteen may express, and, if a young person or the parent of a young person under the age of sixteen represents in writing to the local education authority that he objects to any part of the instruction given in the continuation school which the young person is required to attend, on the ground that it is contrary or offensive to his religious belief, the obligation under this Act to attend that school for the purpose of such instruction shall not apply to him, and the local education authority shall, if practicable, arrange for him to attend some other instruction in lieu thereof or some other school.

Enforcement of attendance at continuation schools.

11.*—(1) If a young person fails, except by reason of sickness or other unavoidable cause, to comply with any requirement imposed upon him under this Act for attendance at a continuation school, he shall be liable on summary conviction to a fine not exceeding five shillings, or, in the case of a second or subsequent offence, to a fine not exceeding one pound.

* This section is not yet in force.

(2) If a parent of a young person has conduced to or connived at the failure on the part of the young person to attend a continuation school as required under this Act, he shall, unless an order has been made against him in respect of such failure under section ninety-nine of the Children Act, 1908, be liable on summary conviction to a fine not exceeding two pounds, or, in the case of a second or subsequent offence, whether relating to the same or another young person, to a fine not exceeding five pounds.

8 Edw. 7. c. 67.

Administrative provisions relating to continuation schools.

12.*—(1) The Board of Education may from time to time make regulations prescribing the manner and form in which notice is to be given as to the continuation school (if any) which a young person is required to attend, and the times of attendance thereat, and as to the hours during which his employment must be suspended, and providing for the issue of certificates of age, attendance and exemption, and for the keeping and preservation of registers of attendance, and generally for carrying into effect the provisions of this Act relating to continuation schools.

(2) For the purposes of the provisions of this Act relating to continuation schools, the expression "year" means in the case of any young person the period of twelve months reckoned from the date when he ceased to be a child, or any subsequent period of twelve months.

Amendment of 3 Edw. 7. c. 45 and 4 Edw. 7. c. 15.

13.—(1) The Employment of Children Act, 1903, so far as it relates to England and Wales, shall be amended as follows:—

(i)* For subsection (1) of section three the following subsection shall be substituted:—

"A child under the age of twelve shall not be employed; and a child of the age of twelve or upwards shall not be employed on any Sunday for more than two hours, or on any day on which he is required to attend school before the close of school hours on that day, nor on any day before six o'clock in the morning or after eight o'clock in the evening:

"Provided that a local authority may make a bye-law permitting, with respect to such occupations as may be specified, and subject to such conditions as may be necessary to safeguard the interests of the children, the employment of children of the age of twelve or upwards before school

* These provisions are not yet in force.

hours and the employment of children by their parents, but so that any employment permitted by bye-law on a school day before nine in the morning shall be limited to one hour, and that if a child is so employed before nine in the morning he shall not be employed for more than one hour in the afternoon."

(ii)* In subsection (2) of section three, which prohibits the employment of a child under the age of eleven years in street trading, the words "under the age of eleven years" shall be repealed:

(iii) For section twelve the following section shall be substituted:—

"Except as regards the City of London, the powers and duties of a local authority under this Act shall be deemed to be powers and duties under Part III. of the Education Act, 1902, and the provisions of the Education Acts for the time being in force with regard to those powers and duties and as to the manner in which the expenses of an authority under that Part of that Act shall be paid shall apply accordingly":

(iv) For the definition of the expression "local authority" there shall be substituted the following definition:—

"The expression 'local authority' means in the case of the City of London the mayor, aldermen, and commons of that city in common council assembled and elsewhere the local education authority for the purposes of Part III. of the Education Act, 1902."

(2)* The Prevention of Cruelty to Children Act, 1904, so far as it relates to England and Wales, shall be amended as follows:—

(i) In paragraph (*b*) of section two, which restricts the employment of boys under the age of fourteen years and of girls under the age of sixteen years for the purpose of singing, playing or performing, or being exhibited for profit, or offering anything for sale, between nine p.m. and six a.m., "eight p.m." shall be substituted for "nine p.m." so far as relates to children under fourteen years of age:

(ii) In paragraph (*c*) of section two, which restricts the employment of children under eleven years for the purpose of singing, playing or performing, or being

* These provisions are not yet in force.

exhibited for profit, or offering anything for sale, twelve years shall be substituted for eleven years :

(iii) In section three, which relates to licences for the employment of children exceeding ten years of age, the age of twelve years shall be substituted for the age of ten years :

(iv) A licence under section three to take part in any entertainment or series of entertainments, instead of being granted, varied, added to, or rescinded as provided by that section, shall be granted by the local education authority for the purposes of Part III. of the Education Act, 1902, of the area in which the child resides, subject to such restrictions and conditions as are prescribed by rules made by the Board of Education, and may be rescinded by the authority of any area in which it takes effect or is about to take effect if the restrictions and conditions of the licence are not observed, and, subject as aforesaid, may be varied or added to by that authority at the request of the holder of the licence :

(v) The holder of a licence shall at least seven days before a child takes part in any entertainment or series of entertainments furnish the local education authority of the area in which the entertainment is to take place with particulars of the licence and such other information as the Board of Education may by rules prescribe, and if he fails to furnish such particulars and information as aforesaid he shall be liable on summary conviction to a fine not exceeding five pounds :

(vi) Subsections (3) and (4) of section three shall cease to apply with respect to licences to take part in an entertainment or series of entertainments :

(vii) If the applicant for a licence or a person to whom a licence has been granted feels aggrieved by any decision of a local education authority, he may appeal to the Board of Education, who may thereupon exercise any of the powers conferred on a local education authority by this section :

(viii) The provisions of this subsection shall not apply to any licence in force on the appointed day :

(ix) References to the Employment of Children Act, 1903, shall be construed as references to that Act as amended by this Act.

Prohibition against employment of children in factories, workshops, mines, and quarries. 1 & 2 Geo. 5. c. 50. 35 & 36 Vict. c. 77. 38 & 39 Vict. c. 39.

14.* No child within the meaning of this Act shall be employed—

(*a*) in any factory or workshop to which the Factory and Workshop Acts, 1901 to 1911, apply; or

(*b*) in any mine to which the Coal Mines Act, 1911, applies; or

(*c*) in any mine or quarry to which the Metalliferous Mines Acts, 1872 and 1875, apply;

unless lawfully so employed on the appointed day; and those Acts respectively shall have effect as respects England and Wales as if this provision, so far as it relates to the subject-matter thereof, was incorporated therewith.

Further restrictions on employment of children.

15.—(1) The local education authority, if they are satisfied by a report of the school medical officer or otherwise that any child is being employed in such a manner as to be prejudicial to his health or physical development, or to render him unfit to obtain the proper benefit from his education, may either prohibit, or attach such conditions as they think fit to, his employment in that or any other manner, notwithstanding that the employment may be authorised under the other provisions of this Act or any other enactment.

(2) It shall be the duty of the employer and the parent of any child who is in employment, if required by the local education authority, to furnish to the authority such information as to his employment as the authority may require, and, if the parent or employer fails to comply with any requirement of the local education authority or wilfully gives false information as to the employment, he shall be liable on summary conviction to a fine not exceeding forty shillings.

Penalties on illegal employment of children and young persons.

16. If any person—

(*a*) employs a child in such a manner as to prevent the child from attending school according to the Education Acts and the bye-laws in force in the district in which the child resides; or

(*b*) having received notice of any prohibition or restriction as to the employment of a child issued by a local education authority under this Act, employs a child in such a manner as to contravene the prohibition or restriction; or

(*c*)* employs a young person in such a manner as to prevent the young person attending a continuation school which he is required to attend under this Act; or

* These provisions are not yet in force.

(*d*)* employs a young person at any time when, in pursuance of any requirement under this Act issued by a local education authority, the employment of that young person must be suspended ;

he shall be deemed to have employed the child or young person in contravention of the Employment of Children Act, 1903, and subsections (1) and (2) of section five and section six and section eight of that Act shall apply accordingly as if they were herein re-enacted and in terms made applicable to children and young persons within the meaning of this Act as well as to children within the meaning of that Act.

Extension of Powers and Duties.

Power to promote social and physical training.

17. For the purpose of supplementing and reinforcing the instruction and social and physical training provided by the public system of education, and without prejudice to any other powers, a local education authority for the purposes of Part III. of the Education Act, 1902, as respects children attending public elementary schools, and a local education authority for the purposes of Part II. of that Act as respects other children and young persons and persons over the age of eighteen attending educational institutions, may, with the approval of the Board of Education, make arrangements to supply or maintain or aid the supply or maintenance of—

(*a*) holiday or school camps, especially for young persons attending continuation schools ;

(*b*) centres and equipment for physical training, playing fields (other than the ordinary playgrounds of public elementary schools not provided by the local education authority), school baths, school swimming baths;

(*c*) other facilities for social and physical training in the day or evening.

Medical inspection of schools and educational institutions.

18.†—(1) The local education authority for the purposes of Part II. of the Education Act, 1902, shall have the same duties and powers with reference to making provision for the medical inspection and treatment of children and young persons attending—

(i) secondary schools provided by them ;

(ii) any school to the governing body of which, in pursuance of any scheme made under the Welsh Intermediate Education Act, 1889, any payments are made out of any general fund administered by a local

52 & 53 Vict. c. 40.

* This provision is not yet in force.

† In force only as regards powers, not duties.

education authority as a governing body under that Act, and any school of which a local education authority are the governing body under that Act;

(iii) continuation schools under their direction and control; and

(iv) such other schools or educational institutions (not being elementary schools) provided by them as the Board direct;

as a local education authority for the purposes of Part III. of the Education Act, 1902, have under paragraph (*b*) of subsection (1) of section thirteen of the Education (Administrative Provisions) Act, 1907, with reference to children attending public elementary schools, and may exercise the like powers as respects children and young persons attending any school or educational institution, whether aided by them or not, if so requested by or on behalf of the persons having the management thereof.

(2) The Local Education Authorities (Medical Treatment) Act, 1909, shall apply where any medical treatment is given in pursuance of this section as it applies to treatment given in pursuance of section thirteen of the Education (Administrative Provisions) Act, 1907. 9 Edw. 7. c. 31.

Nursery schools.

19.—(1) The powers of local education authorities for the purposes of Part III. of the Education Act, 1902, shall include power to make arrangements for—

(*a*) supplying or aiding the supply of nursery schools (which expression shall include nursery classes) for children over two and under five years of age, or such later age as may be approved by the Board of Education, whose attendance at such a school is necessary or desirable for their healthy physical and mental development; and

(*b*) attending to the health, nourishment, and physical welfare of children attending nursery schools.

(2) Notwithstanding the provisions of any Act of Parliament the Board of Education may, out of moneys provided by Parliament, pay grants in aid of nursery schools, provided that such grants shall not be paid in respect of any such school unless it is open to inspection by the local education authority, and unless that authority are enabled to appoint representatives on the body of managers to the extent of at least one-third of the total number of managers, and before

recognising any nursery school the Board shall consult the local education authority.

Education of physically defective and epileptic children. 4 & 5 Geo. 5. c. 45.

20.* A local education authority shall make arrangements under the Elementary Education (Defective and Epileptic Children) Acts, 1899 to 1914, for ascertaining what children in their area are physically defective or epileptic within the meaning of those Acts, and the provisions of the Elementary Education (Defective and Epileptic Children) Act, 1914, relating to mentally defective children, shall be extended so as to apply to physically defective and epileptic children, and accordingly that Act shall have effect as if references therein to mentally defective children included references to physically defective and epileptic children.

Powers for the education of children in exceptional circumstances.

21. Where a local education authority for the purposes of Part III. of the Education Act, 1902, are satisfied in the case of any children that, owing to the remoteness of their homes or the conditions under which the children are living, or other exceptional circumstances affecting the children, those children are not in a position to receive the full benefit of education by means of the ordinary provision made for the purpose by the authority, the authority may, with the approval of the Board of Education, make such arrangements, either of a permanent or temporary character, and including the provision of board and lodging, as they think best suited for the purpose of enabling those children to receive the benefit of efficient elementary education, and may for that purpose enter into such agreement with the parent of any such child as they think proper:

Provided that where a child is boarded out in pursuance of this section the local education authority shall, if possible, and, if the parent so requests, arrange for the boarding out being with a person belonging to the religious persuasion of the child's parents.

Amendment of Education (Choice of Employment) Act, 1910. 10 Edw. 7. and 1 Geo. 5. c. 37.

22. Section one of the Education (Choice of Employment) Act, 1910, which confers on certain local education authorities the power of assisting boys and girls with respect to the choice of employment, shall have effect as if "eighteen years of age" were therein substituted for "seventeen years of age."

Power to aid research.

23. With a view to promoting the efficiency of teaching and advanced study, a local education authority for the purposes of Part II. of the Education Act, 1902, may aid

* This section is not yet in force.

teachers and students to carry on any investigation for the advancement of learning or research in or in connection with an educational institution, and with that object may aid educational institutions.

Provision of maintenance allowances.

24. It is hereby declared that the powers as to the provision of scholarships conferred by subsection (2) of section twenty-three of the Education Act, 1902, and by section eleven of the Education (Administrative Provisions) Act, 1907, include a power to provide allowances for maintenance.

Provisions as to medical treatment.

25. A local education authority shall not, in exercise of the powers conferred upon them by paragraph (*b*) of subsection (1) of section thirteen of the Education (Administrative Provisions) Act, 1907, or by this Act, establish a general domiciliary service of treatment by medical practitioners for children or young persons, and in making arrangements for the treatment of children and young persons a local education authority shall consider how far they can avail themselves of the services of private medical practitioners.

Abolition of Fees in Public Elementary Schools.

Abolition of fees in public elementary schools. 6 Edw. 7. c. 57. 9 Edw. 7. c. 13.

26.—(1) No fees shall be charged or other charges of any kind made in any public elementary school, except as provided by the Education (Provision of Meals) Act, 1906, and the Local Education Authorities (Medical Treatment) Act, 1909.

(2) During a period of five years from the appointed day the Board of Education shall in each year, out of moneys provided by Parliament, pay to the managers of a school maintained but not provided by a local education authority in which fees were charged immediately before the appointed day, the average yearly sum paid to the managers under section fourteen of the Education Act, 1902, during the five years immediately preceding the appointed day.

(3) Nothing in this Act shall affect the provisions of section nine of the Elementary Education (Blind and Deaf Children) Act, 1893, or of section eight of the Elementary Education (Defective and Epileptic Children) Act, 1899. 62 & 63 Vict. c. 32.

Administrative Provisions.

Voluntary inspection of schools.

27. If the governing body of any school or educational institution not liable to inspection by any Government

department, or, if there is no governing body, the headmaster, requests the Board of Education to inspect the school or institution and to report thereon, the Board of Education may do so, if they think fit, free of cost; but this section shall be without prejudice to the provisions relating to the Central Welsh Board contained in subsection (1) of section three of the Board of Education Act, 1899.

62 & 63 Vict. c. 33.

Collection of information respecting schools.

28.—(1) In order that full information may be available as to the provision for education and the use made of such provision in England and Wales,—

(*a*) It shall be the duty of the responsible person as hereinafter defined, in respect of every school or educational institution not in receipt of grants from the Board of Education, to furnish to the Board of Education in a form prescribed by the Board—

(i) in the case of a school or educational institution existing at the appointed day, within three months of that day;

(ii) in the case of a school or educational institution opened after the appointed day, within three months of the opening thereof;

the name and address of the school or institution and a short description of the school or institution:

(*b*) It shall be the duty of every such responsible person when required by the Board of Education to furnish to the Board such further particulars with respect to the school or institution as may be prescribed by regulations made by the Board:

Provided that the Board may exempt from both or either of the above obligations any schools or educational institutions with respect to which the necessary information is already in the possession of the Board or is otherwise available.

(2) If the responsible person fails to furnish any information required by this section, he shall be liable on summary conviction to a penalty not exceeding ten pounds, and to a penalty not exceeding five pounds for every day on which the failure continues after conviction therefor.

(3) For the purposes of this section "the responsible person" means the secretary or person performing the duty of secretary to the governing body of the school or institution, or, if there is no governing body, the headmaster or person responsible for the management of the school or institution.

(4) Any regulations made by the Board of Education under this section with respect to the particulars to be furnished shall be laid before Parliament as soon as may be after they are made.

Provisions with respect to appointment of certain classes of teachers.

29.—(1) Notwithstanding anything in the Education Act, 1902, the appointment of all teachers of secular subjects not attached to the staff of any particular public elementary school and teachers appointed for the purpose of giving practical instruction, pupil teachers, and student teachers, shall be made by the local education authority, and it is hereby declared that the local education authority have power to direct the managers of any public elementary schools not provided by them to make arrangements for the admission of any such teachers to the schools.

(2) The provisions of subsection (3) of section seven of the Education Act, 1902, shall apply to any question which arises under this section between the local education authority and the managers of a school.

Provisions as to closing of schools.

30.—(1) The managers of a public elementary school not provided by the local education authority, if they wish to close the school, shall give eighteen months' notice to the local education authority of their intention to close the school, and a notice under this provision shall not be withdrawn except with the consent of the local education authority.

(2) If the managers of a school who have given such a notice are unable or unwilling to carry on the school up to the expiration of the period specified in the notice, the school house shall be put at the disposal of the local education authority, if the authority so desire, for the whole or any part of the period, free of charge, for the purposes of a school provided by them, but subject to an obligation on the part of the authority to keep the school house in repair and to pay any outgoings in respect thereof, and to allow the use of the school house and the school furniture by the persons who were the managers of the school to the like extent and subject to the like conditions as if the school had continued to be carried on by those managers.

The use by the authority of the school house during such period for the purposes of a school provided by them shall not be deemed, for the purposes of section eight of the Education Act, 1902, to constitute the provision of a new school.

Grouping of non-provided schools of the same denominational character.

31. Where there are two or more public elementary schools not provided by the local education authority of the same denominational character in the same locality, the local education authority, if they consider that it is expedient for the purpose of educational efficiency and economy, may, with the approval of the Board of Education, give directions for the distribution of the children in those schools according to age, sex, or attainments, and otherwise with respect to the organisation of the schools; and for the grouping of the schools under one body of managers constituted in the manner provided by subsection (2) of section twelve of the Education Act, 1902:

Provided that, if the constitution of the body of managers falls to be determined by the Board of Education under that section, the Board shall observe the principles and proportions prescribed by sections six and eleven of that Act; and that, if the managers of a school affected by any directions given under this section request a public inquiry, the Board shall hold a public inquiry before approving those directions.

Provisions relating to central schools and classes. 3 Edw. 7. c. 24.

32.—(1) Notwithstanding the provisions of section six of the Education Act, 1902, or, in the case of London, subsection (1) of section two of the Education (London) Act, 1903, as to the appointment of managers, any public elementary school which in the opinion of the Board is organised for the sole purpose of giving advanced instruction to older children may be managed in such manner as may be approved by the local education authority, and, in the case of a school not provided by that authority, also by the managers of the school.

(2) Notwithstanding anything contained in sections six and eight of the Education Act, 1902, or in section two of the Education (London) Act, 1903, the provision of premises for classes in practical or advanced instruction for children attending from more than one public elementary school shall not be deemed to be the provision of a new public elementary school, and any class conducted in such premises may be managed in such manner as may be approved by the local education authority.

Saving for certain statutory provisions.

33. Except as expressly provided by this Act, nothing in this Act shall affect the provisions of the Education Acts relating to public elementary schools not provided by the local education authority or the provisions of Part II. of the Education Act, 1902.

Acquisition of land by local education authority.

34.—(1) A local education authority may be authorised to purchase land compulsorily for the purpose of any of their powers or duties under the Education Acts, by means of an order submitted to the Board of Education and confirmed by the Board in accordance with the provisions contained in paragraphs (1) to (13) of the First Schedule to the Housing, Town Planning, etc., Act, 1909, and those provisions shall have effect for the purpose, with the substitution of the Board of Education for the Local Government Board, of the local education authority for the local authority, and of references to the Education Acts for references to " this Act " :

9 Edw. 7. c. 44.

Provided that—

(*a*) the Board of Education shall not confirm any such order even when unopposed if they are of opinion that the land is unsuited for the purpose for which it is proposed to be acquired ;

(*b*) an order for the compulsory purchase of land in the administrative county of London shall be subject to the provisions of subsection (2) of section two of the Education (London) Act, 1903 ;

(*c*) an order for the compulsory purchase of land which by section forty-five of the Housing, Town Planning, etc., Act, 1909, is exempt from compulsory acquisition for the purposes of Part III. of the Housing of the Working Classes Act, 1890, shall be provisional only and shall not have effect unless and until it is confirmed by Parliament.

53 & 54 Vict. c. 70.

(2) The powers given by this section in relation to the compulsory purchase of land by the local education authority shall be in substitution for any other powers existing for that purpose, but without prejudice to any powers conferred by any Provisional Order confirmed by Parliament before the appointed day.

Power to provide elementary schools outside area.

35. A local education authority may, with the consent of the Board of Education, who shall consult the authority of the area in which the proposed site is situated, provide a public elementary school, in cases where it appears convenient to do so, on a site outside their area for the use of children within their area, and for the purposes of the Education Acts a school so provided shall be deemed to be situated within the area of the authority.

Amendments with respect to the allocation of expenses to particular areas.

36.—(1) It shall not be obligatory on a county council to charge on or raise within particular areas any portion of such expenses as are mentioned in paragraph (*c*) or paragraph (*d*) of subsection (1) of section eighteen of the Education Act, 1902, and accordingly each of those paragraphs shall have effect as if for the word "shall" there was substituted the word "may" and as if the words "less than one-half or" were omitted therefrom; and, where before the passing of this Act any portion of such expenses has been charged on or allocated to any area, the county council may cancel or vary the charge or allocation.

(2) Before charging any expenses under section eighteen (1) (*a*) of the Education Act, 1902, on any area situate within a borough or urban district the council of which is an authority for the purposes of Part III. of the Education Act, 1902, a county council shall consult the council of the borough or urban district concerned.

Provisions as to expenses of Provisional Orders, etc.

37. Any expenses incurred by a council in connection with any Provisional Order for the purposes of the Education Acts, or any Order under this Act for the purpose of the acquisition of land, shall be defrayed as expenses of the council under the Education Act, 1902, and the council shall have the same power of borrowing for the purpose of those expenses as they have under section nineteen of the Education Act, 1902, for the purpose of the expenses therein mentioned.

Expenses of education meetings, conferences, etc.

38. Any council having powers under the Education Acts may, subject to regulations made by the Board of Education, defray as part of their expenses under those Acts any reasonable expenses incurred by them in paying subscriptions towards the cost of, or otherwise in connection with, meetings or conferences held for the purpose of discussing the promotion and organisation of education or educational administration, and the attendance of persons nominated by the council at any such meeting or conference: Provided that—

(*a*) the expenses of more than three persons in connection with any meeting or conference shall not be paid except with the previous sanction of the Board of Education;

(*b*) payments for travelling expenses and subsistence shall be in accordance with the scale adopted by the council;

(*c*) expenses shall not be paid in respect of any meeting or conference outside the United Kingdom unless the Board of Education have sanctioned the attendance of persons nominated by the council at the meeting or the conference ;

(*d*) no expenses for any purpose shall be paid under this section without the approval of the Board of Education, unless expenditure for the purpose has been specially authorised or ratified by resolution of the council, after special notice has been given to members of the council of the proposal to authorise or ratify the expenditure, or, where a council has delegated its powers under this section to the education committee, by resolution of that committee after like notice has been given to the members thereof.

Power to pay expenses of prosecution for cruelty.

39. The powers of a local education authority for the purposes of Part III. of the Education Act, 1902, shall include a power to prosecute any person under section twelve of the Children Act, 1908, where the person against whom the offence was committed was a child within the meaning of this Act, and to pay any expenses incidental to the prosecution.

Public inquiries by Board of Education.

40.—(1) The Board of Education may hold a public inquiry for the purpose of the exercise of any of their powers or the performance of any of their duties under the Education Acts.

(2) The following provisions shall (except as otherwise provided by the Education Acts) apply to any public inquiry held by the Board of Education :—

(*a*) The Board shall appoint a person or persons to hold the inquiry :

(*b*) The person or persons so appointed shall hold a sitting or sittings in some convenient place in the neighbourhood to which the subject of the inquiry relates, and thereat shall hear, receive, and examine any evidence and information offered, and hear and inquire into the objections or representations made respecting the subject matter of the inquiry, with power from time to time to adjourn any sitting :

(*c*) Notice shall be published in such manner as the Board direct of every such sitting, except an adjourned sitting, seven days at least before the holding thereof :

(*d*) The person or persons so appointed shall make a report in writing to the Board setting forth the result of the inquiry and the objections and representations, if any, made thereat, and any opinion or recommendations submitted by him or them to the Board :

(*e*) The Board shall furnish a copy of the report to any local education authority concerned with the subject matter of the inquiry, and, on payment of such fee as may be fixed by the Board, to any person interested :

(*f*) The Board may, where it appears to them reasonable that such an order should be made, order the payment of the whole or any part of the costs of the inquiry either by any local education authority to whose administration the inquiry appears to the Board to be incidental, or by the applicant for the inquiry, and may require the applicant for an inquiry to give security for the costs thereof :

(*g*) Any order so made shall certify the amount to be paid by the local education authority or the applicant, and any amount so certified shall, without prejudice to the recovery thereof as a debt due to the Crown, be recoverable by the Board summarily as a civil debt from the authority or the applicant as the case may be.

Inspection of minutes.

41. The minutes of the proceedings of a local education authority and, where a local education authority delegate to their education committee any powers and the acts and proceedings of the education committee as respects the exercise of those powers are not required to be submitted to the council for their approval, the minutes of the proceedings of the education committee relating to the exercise of those powers shall be open to the inspection of any ratepayer at any reasonable time during the ordinary hours of business on payment of a fee of one shilling, and any ratepayer may make a copy thereof or take an extract therefrom.

Payments to the Central Welsh Board.

42.—(1) For the yearly sum payable to the Central Welsh Board under the scheme regulating the intermediate and technical education fund of any county, as defined by the Welsh Intermediate Education Act, 1889, there shall be substituted—

(*a*) a yearly sum equal to a percentage not exceeding twenty-two and a half per cent. fixed from time to time at a uniform rate for every county by the Central Welsh Board of the sum produced by a rate of one halfpenny in the pound for the preceding year, calculated in the manner provided by subsection (3) of section eight of the Welsh Intermediate Education Act, 1889; and

(*b*) a yearly sum equal to five per cent. of the net income for the preceding year of any endowment comprised in the intermediate and technical education fund of the county, or, in the alternative, for each year during such period as may be agreed with the Central Welsh Board, such yearly sum as that Board may agree to accept in lieu thereof.

(2) For the purpose of ascertaining the said net income there shall be deducted from the gross income all proper expenses and outgoings in respect of administration and management of the endowment (including charges for interest on and repayment of loans and replacement of capital), and any sums required by the scheme to be treated as capital, and the term "endowment" shall include augmentations acquired by the investment of surplus income whether derived from endowment or county rate, or from any other source, but not property occupied for the purposes of the scheme.

(3) The power of charging capitation fees for scholars offered for examination conferred on the Central Welsh Board by the scheme of the thirteenth day of May, eighteen hundred and ninety-six, regulating the Central Welsh Intermediate Education Fund shall cease.

(4) The provisions of this section shall have effect and be construed as part of the schemes regulating the Central Welsh Intermediate Education Fund and the intermediate and technical education funds of counties in Wales and Monmouthshire, and may be repealed or altered by future schemes accordingly.

Evidence of certificates, etc., issued by local education authorities.

43. All orders, certificates, notices, requirements, and documents of a local education authority under the Education Acts, if purporting to be signed by the clerk of the authority or of the education committee, or by the director of, or secretary for, education, shall until the contrary is proved be deemed to be made by the authority and to have

been so signed, and may be proved by the production of a copy thereof purporting to have been so signed.

Education Grants.

Education grants.

44.—(1) The Board of Education shall, subject to the provisions of this Act, by regulations provide for the payment to local education authorities out of moneys provided by Parliament of annual substantive grants in aid of education of such amount and subject to such conditions and limitations as may be prescribed in the regulations, and nothing in any Act of Parliament shall prevent the Board of Education from paying grants to an authority in respect of any expenditure which the authority may lawfully incur.

(2) Subject to the regulations made under the next succeeding subsection, the total sums paid to a local education authority out of moneys provided by Parliament and the local taxation account in aid of elementary education or education other than elementary, as the case may be, shall not be less than one-half of the net expenditure of the authority recognised by the Board of Education as expenditure in aid of which parliamentary grants should be made to the authority, and, if the total sums payable out of those moneys to an authority in any year fall short of one-half of that expenditure, there shall be paid by the Board of Education to that authority, out of moneys provided by Parliament, a deficiency grant equal to the amount of the deficiency, provided that a deficiency grant shall not be so paid as to make good to the authority any deductions made from a substantive grant.

(3) The Board of Education may make regulations for the purpose of determining how the amount of any deficiency grant payable under this section shall be ascertained and paid, and those regulations shall, if the Treasury so direct, provide for the exclusion in the ascertainment of that amount of all or any sums paid by any Government department other than the Board of Education and of all or any expenditure which in the opinion of the Board of Education is attributable to a service in respect of which payments are made by a Government department other than the Board of Education.

54 & 55 Vict. c. 56. 6 & 7 Geo. 5. c. 35. 39 & 40 Vict. c. 79.

(4) The fee grant under the Elementary Education Act, 1891, as amended by the Elementary Education (Fee Grant) Act, 1916, the aid grant under section ten of the Education Act, 1902, and the small population grant under section

nineteen of the Elementary Education Act, 1876, as amended by the Education Code (1890) Act, 1890, and the Education (Small Population Grants) Act, 1915, shall cease on the appointed day. 53 & 54 Vict. c. 22. 5 & 6 Geo. 5. c. 95.

(5) If, by reason of the failure of an authority to perform its duties under the Education Acts or to comply with the conditions on which grants are made, the deficiency grant is reduced or a deduction is made from any substantive grant exceeding five hundred pounds or the amount which would be produced by a rate of a halfpenny in the pound whichever is the less, the Board of Education shall cause to be laid before Parliament a report stating the amount of and the reasons for the reduction or deduction.

(6) Any regulations made by the Board of Education for the payment of grants shall be laid before Parliament as soon as may be after they are made.

Educational Trusts.

Power to constitute official trustees of educational trust property.

45.—(1) His Majesty may by Order in Council constitute and incorporate with power to hold land without licence in mortmain one or more official trustees of educational trust property, and may apply to the trustee or trustees so constituted the provisions of the Charitable Trusts Acts, 1853 to 1914, relating to the official trustee of charity lands and the official trustees of charitable funds so far as they relate to endowments which are held for or ought to be applied to educational purposes.

(2) On the constitution of an official trustee or official trustees of educational trust property—

(*a*) all lands or estates or interests in land then vested in the official trustee of charity lands which are held by him as endowments for solely educational purposes, and

(*b*) all securities then vested in the official trustees of charitable funds which those trustees certify to be held by them as endowments for solely educational purposes,

shall by virtue of this Act vest in the official trustee or trustees of educational trust property upon the trusts and for the purposes for which they were held by the official trustee of charity lands and the official trustees of charitable funds, and, on such a certificate by the official trustees of charitable funds as aforesaid being sent to the person having charge of the books or registers in which any such securities

are inscribed or registered, that person shall make such entries in the books or registers as may be necessary to give effect to this section.

(3) If any question arises as to whether an endowment or any part of an endowment is held for or ought to be applied to solely educational purposes, the question shall be determined by the Charity Commissioners.

Exemption of assurance of property for educational purposes from certain restrictions under the Mortmain Acts.
51 & 52 Vict. c. 42.
54 & 55 Vict. c. 73.
55 & 56 Vict. c. 11.
55 & 56 Vict. c. 29.

46.—(1) Any assurance, as defined by section ten of the Mortmain and Charitable Uses Act, 1888, of land or personal estate to be laid out in the purchase of land for educational purposes, whether made before or after the passing of this Act, shall be exempt from any restrictions of the law relating to Mortmain and Charitable Uses, and the Mortmain and Charitable Uses Acts, 1888 and 1891, and the Mortmain and Charitable Uses Act Amendment Act, 1892, shall not apply with respect to any such assurance.

(2) Subsection (1) of section ten of the Technical and Industrial Institutions Act, 1892, so far as it relates to the enrolment in the books of the Charity Commissioners of every conveyance or assurance of land for the purposes of institutions established under that Act, is hereby repealed.

(3) Every assurance of land or personal estate to be laid out in the purchase of land for educational purposes, including every assurance of land to any local authority for any educational purpose or purposes for which such authority is empowered by any Act of Parliament to acquire land, shall be sent to the offices of the Board of Education in London for the purpose of being recorded in the books of the Board as soon as may be after the execution of the deed or other instrument of assurance, or in the case of a will after the death of the testator.

Appointment of new trustees under scheme.

47. Where, under any scheme made before the passing of this Act relating to an educational charity, the approval of the Board of Education is required to the exercise by the trustees under the scheme of a power of appointing new trustees, the scheme shall, except in such cases as the Board may otherwise direct, have effect as if no such approval was required thereunder, and the Board may by order make such modifications of any such scheme as may be necessary to give effect to this provision.

General.

Definitions.

48.—(1) In this Act, unless the context otherwise requires—

The expression " child " means any child up to the age when his parents cease to be under an obligation to cause him to receive efficient elementary instruction or to attend school under the enactments relating to elementary education and the bye-laws made thereunder ;

The expression " young person " means a person under eighteen years of age who is no longer a child ;

The expression " parent " in relation to a young person includes guardian and every person who is liable to maintain or has the actual custody of the young person ;

The expression " practical instruction " means instruction in cookery, laundrywork, housewifery, dairywork, handicrafts, and gardening, and such other subjects as the Board declare to be subjects of practical instruction ;

The expression " school term " means the term as fixed by the local education authority ;

The expression " sea service " has the same meaning as in the Merchant Shipping Acts, 1894 to 1916, and includes sea-fishing service ;

Other expressions have the same meaning as in the Education Acts.

(2) In the Education Acts the expressions " employ " and " employment " used in reference to a child or young person include employment in any labour exercised by way of trade or for the purposes of gain, whether the gain be to the child or young person or to any other person.

Compensation to existing officers. 51 & 52 Vict. c. 41.

49. Section one hundred and twenty of the Local Government Act, 1888, which relates to compensation to existing officers, shall apply to officers serving under local education authorities at the passing of this Act who, by virtue of this Act or anything done in pursuance or in consequence of this Act, suffer direct pecuniary loss by abolition of office or by diminution or loss of fees or salary, subject as follows :

(*a*) Teachers in public elementary schools maintained by a local education authority shall be deemed to be officers serving under that authority ;

(*b*) References to a county council shall include references to a borough or urban district council ;

(*c*) The reference to " the passing of this Act " shall be construed as a reference to the date when the loss arose ;

(*d*) The reference to the Acts and rules relating to His Majesty's civil service shall be construed as a reference to the Acts and rules which were in operation at the date of the passing of the Local Government Act, 1888; and

(*e*) Any expenses shall be paid by the council under whom the officer was serving at the date when the loss arose out of the fund or rate out of which the expenses of the council under the Education Acts are paid, and, if any compensation is payable otherwise than by way of an annual sum, the payment of that compensation shall be a purpose for which a council may borrow for the purposes of those Acts.

Extension of certain provisions of the Education Acts.

50. The provisions of the Education Acts mentioned in the first column of the First Schedule to this Act shall apply with respect to young persons, continuation schools, and the Education Acts and instruments made thereunder in like manner as they apply with respect to children, elementary schools, and the enactments mentioned in those provisions and instruments made under those enactments, and accordingly those provisions shall have effect as set out and modified in the second column of that schedule.

Repeals.

51. The enactments mentioned in the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule.

Short title, construction, extent, and commencement.

52.—(1) This Act may be cited as the Education Act, 1918, and shall be read as one with the Education Acts, 1870 to 1916, and those Acts and this Act may be cited together as the Education Acts, 1870 to 1918, and are in this Act referred to as "the Education Acts."

(2) This Act shall not extend to Scotland or Ireland.

(3) This Act shall come into operation on the appointed day, and the appointed day shall be such day as the Board of Education may appoint, and different days may be appointed for different purposes and for different provisions of this Act, for different areas or parts of areas, and for different persons or classes of persons:

Provided that the appointed day for the purposes of subsections (1) and (2) of section eight shall not be earlier than the termination of the present war, and for the purposes of paragraph (iii) of subsection (2) of section thirteen shall not be earlier than three years after the passing of

this Act, and that for a period of seven years from the appointed day the duty of the council of a county (other than the London County Council) shall not include a duty to establish certified schools for boarding and lodging physically defective and epileptic children.

SCHEDULES.

FIRST SCHEDULE.

Section 50.

EXTENSION OF ENACTMENTS.

Enactment extended.	Enactment as extended.
Elementary Education Act, 1870.	
s. 36	Every local education authority may, if they think fit, appoint an officer or officers to enforce the Education Acts and any bye-laws, orders, or other instruments made thereunder with reference to the attendance of children or young persons at school.
s. 81	Certificates, notices, requisitions, orders, precepts, and all documents required by the Education Acts or any regulations or bye-laws made thereunder to be served or sent may, unless otherwise expressly provided, be served and sent by post, and, till the contrary is proved, shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post; and in proving such service or sending it shall be sufficient to prove that the letter containing the certificate, notice, requisition, order, precept, or document was prepaid, and properly addressed, and put into the post.
s. 84	After the expiration of three months from the date of any order or requisition of the Board of Education under the Education Acts such order or requisition shall be presumed to have been duly made, and to be within the powers of the Education Acts, and no objection to the legality thereof shall be entertained in any legal proceeding whatever.
Elementary Education Act, 1873.	
s. 24	With respect to proceedings before a court of summary jurisdiction for offences and penalties under the Education Acts or any bye-laws made thereunder the following provisions shall have effect :—

* * * * *

Enactment extended.	Enactment as extended.
Elementary Education Act, 1873—*contd.*	(4) Any justice may require by summons any parent or employer of a child or young person, required by the Education Acts or by any bye-laws, orders, or other instruments made thereunder to attend school, to produce the child or young person before a court of summary jurisdiction, and any person failing, without reasonable excuse to the satisfaction of the court, to comply with such summons shall be liable to a penalty not exceeding twenty shillings. (5) A certificate purporting to be under the hand of the principal teacher of a public elementary or continuation school, stating that a child or young person is or is not attending such school, or stating the particulars of the attendance of a child or young person at such school, shall be evidence of the facts stated in such certificate. (6) Where a child or young person is apparently of the age alleged for the purposes of the proceedings, it shall lie on the defendant to prove that the child or young person is not of such age. * * * * * (8) Where a local education authority are, by reason of the default of the managers or proprietor of an elementary or continuation school, unable to ascertain whether a child or young person who is resident within the district of such local education authority and attends such school attends school in conformity with the Education Acts or any bye-laws, orders, or other instruments made thereunder, it shall lie on the defendant to show that the child or young person has attended school in conformity with the said Acts, bye-laws, orders, or other instruments.
Elementary Education Act, 1876. s. 38	No legal proceedings for non-attendance or irregular attendance at school shall be commenced in a court of summary jurisdiction by any person appointed to carry out the Education Acts or any bye-laws made thereunder, except by the direction of not less than two members of the education committee of a local education authority, or of any sub-committee appointed by that committee for school attendance purposes.

SECOND SCHEDULE.

Section 51.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
33 & 34 Vict. c. 75.	The Elementary Education Act, 1870.	Section seventeen. In section twenty from the beginning of subsection (2) to the end of subsection (8). Section fifty-two. Sections sixty-seven to seventy-two. Section seventy-three. In section seventy-four the words "(3) Providing for the remission or payment of the whole or any part of the fees of any child where the parent satisfies the school board that he is unable from poverty to pay the same"; and the words from "Provided that any bye-law" down to the words "specified in such bye-law." Section ninety-four. Section ninety-seven from "Provided that no such minute" to the end of the section.
35 & 36 Vict. c. 27.	The Elementary Education Act Amendment Act, 1872.	The whole Act.
36 & 37 Vict. c. 86.	The Elementary Education Act, 1873.	Section fifteen. Section nineteen. Subsections (3) and (7) of section twenty-four, and in subsection (5) the words "or stating that a child has been certified by one of Her Majesty's Inspectors to have reached a particular standard of education."
39 & 40 Vict. c. 79.	The Elementary Education Act, 1876.	Section five. Section six. Section seven from "Provided that" to the words "by information and otherwise." Section nine. Section ten. In section eleven the words "who is under this Act prohibited from being taken into full-time employment." Section nineteen. In section twenty-four from the beginning of the section down to "the parent of such child"; and the words "and

Session and Chapter.	Short Title.	Extent of Repeal.
39 & 40 Vict. c. 79—*cont.*	The Elementary Education Act, 1876—*cont.*	the persons by whom and the form in which certificates of the said proficiency and due attendance are to be granted, and with respect to other matters relating thereto"; and the words "and other records of such proficiency and attendance." Section twenty-eight. Section twenty-nine. Section thirty-five. In section thirty-seven the words from "And every person who shall fraudulently" down to "not exceeding fourteen days." Section thirty-nine. Section forty. Section forty-five. Section forty-six. Section forty-seven. Section fifty. The First Schedule.
43 & 44 Vict. c. 23.	The Elementary Education Act, 1880.	Section four Section five.
53 & 54 Vict. c. 22.	The Education Code (1890) Act, 1890.	The whole Act.
54 & 55 Vict. c. 56.	The Elementary Education Act, 1891.	The whole Act.
55 & 56 Vict. c. 29.	The Technical and Industrial Institutions Act, 1892.	In section ten the words "but every such conveyance or assurance shall be enrolled as soon as may be in the books of the Charity Commissioners."
56 & 57 Vict. c. 51.	The Elementary Education (School Attendance) Act, 1893.	The whole Act.
60 & 61 Vict. c. 32.	The School Board Conference Act, 1897.	The whole Act.
62 & 63 Vict. c. 13.	The Elementary Education (School Attendance) Act (1893) Amendment Act, 1899.	The whole Act.
63 & 64 Vict. c. 53.	The Elementary Education Act, 1900.	Section one. In section six the words "and in section four of the Elementary Education Act, 1880." Section seven.
1 Edw. 7 c. 11.	The Education Act, 1901.	The whole Act.
1 Edw. 7 c. 22.	The Factory and Workshop Act, 1901.	Sections sixty-eight to seventy-two except as respects children lawfully employed in factories and workshops at

Session and Chapter.	Short Title.	Extent of Repeal.
1 Edw. 7. c. 22—*cont.*	The Factory and Workshop Act, 1901—*cont.*	the commencement of this Act and except as respects Scotland and Ireland.
2 Edw. 7. c. 19.	The Education Act (1901) (Renewal) Act, 1902.	The whole Act.
2 Edw. 7. c. 42.	The Education Act, 1902.	In subsection (1) of section two from "Provided that the amount" to the end of the subsection. Subsection (5) of section seven from "and in any case" to the end of the subsection. Section ten. Section fourteen. Subsection (7) of section seventeen. Subsection (1) of section twenty-one. In subsection (2) thereof the words "or provisional order," in subsection (3) thereof the words "or any provisional order made for the purposes of such a scheme." Subsections (5) and (10) of section twenty-three. In the Third Schedule, paragraph (1), from "except as respects" to the end of the paragraph, and paragraph (5).
3 Edw. 7. c. 10.	The Education (Provision of Working Balances) Act, 1903.	The whole Act.
3 Edw. 7. c. 24.	The Education (London) Act, 1903.	In the First Schedule, paragraphs (2) and (7).
7 Edw. 7. c. 43.	The Education (Administrative Provisions) Act, 1907.	Section four, without prejudice to the legality of anything retrospectively legalised thereby. In subsection (1) of section fourteen the words "or a ground of exemption for the purposes of section nine of the latter Act."
9 Edw. 7. c. 29.	The Education (Administrative Provisions) Act, 1909.	Section three, without prejudice to the legality of anything retrospectively legalised thereby.
5 & 6 Geo. 5. c. 95.	The Education (Small Population Grants) Act, 1915.	The whole Act.
6 & 7 Geo. 5. c. 35.	The Elementary Education (Fee Grant) Act, 1916.	The whole Act.

A.D. 1870.

ELEMENTARY EDUCATION ACT, 1870.*

33 & 34 Vict. Chapter 75.

Definition of terms.

3. In this Act—†

The term " borough " means any place for the time being subject to the Act of the session of the fifth and sixth years of the reign of King William the Fourth, chapter seventy-six, intituled " An Act to provide for the regulation of municipal corporations in England and Wales," and the Acts amending the same :

The term " parish " means a place for which for the time being a separate poor rate is or can be made :

The term " person " includes a body corporate :

The term " Education Department " means " the Lords of the Committee of the Privy Council on Education " :

The term " Her Majesty's inspectors " means the inspectors of schools appointed by Her Majesty on the recommendation of the Education Department :

The term " managers " includes all persons who have the management of any elementary school, whether the legal interest in the schoolhouse is or is not vested in them :

The term " teacher " includes assistant teacher, pupil-teacher, sewing mistress, and every person who forms part of the educational staff of a school :

The term " parent " includes guardian and every person who is liable to maintain or has the actual custody of any child :

The term " elementary school " means a school or department of a school at which elementary education is the principal part of the education there given, and does not include any school or department of a school at which the ordinary payments in respect of the instruction, from each scholar, exceed ninepence a week‡ :

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* References to amending Acts have not been given where the whole of a section or subsection has been repealed, but the Act has been printed as so amended.

† As amended by 1903 A.

‡ Modified as to " advanced courses," 1918, 2 (1) (*b*).

The term " schoolhouse " includes the teacher's dwelling-house and the playground (if any) and the offices and all premises belonging to or required for a school :

The term " vestry " means the ratepayers of a parish meeting in vestry according to law :

The term " ratepayer " includes every person who, under the provisions of the Poor Rate Assessment and Collection Act, 1869, is deemed to be duly rated :

The term " parliamentary grant " means a grant made in aid of an elementary school, either annually or otherwise, out of moneys provided by Parliament for the civil service, intituled " For public education in Great Britain."

Supply of Schools.

School district to have sufficient public schools.

5. There shall be provided for every school district a sufficient amount of accommodation in public elementary schools (as hereinafter defined) available for all the children resident in such district for whose elementary education efficient and suitable provision is not otherwise made, and where there is an insufficient amount of such accommodation, in this Act referred to as " public school accommodation," the deficiency shall be supplied in manner provided by this Act.

Regulations for conduct of public elementary school.

7. Every elementary school which is conducted in accordance with the following regulations shall be a public elementary school within the meaning of this Act ; and every public elementary school shall be conducted in accordance with the following regulations (a copy of which regulations shall be conspicuously put up in every such school) ; namely,

(1) It shall not be required, as a condition of any child being admitted into or continuing in the school, that he shall attend or abstain from attending any Sunday school, or any place of religious worship, or that he shall attend any religious observance or any instruction in religious subjects in the school or elsewhere, from which observance or instruction he may be withdrawn by his parent, or that he shall, if withdrawn by his parent, attend the school on any day exclusively set apart for religious observance by the religious body to which his parent belongs :

(2) The time or times during which any religious observance is practised or instruction in religious subjects

is given at any meeting of the school shall be either at the beginning or at the end or at the beginning and the end of such meeting, and shall be inserted in a time table to be approved by the Education Department, and to be kept permanently and conspicuously affixed in every schoolroom; and any scholar may be withdrawn by his parent from such observance or instruction without forfeiting any of the other benefits of the school:

(3) The school shall be open at all times to the inspection of any of Her Majesty's inspectors, so, however, that it shall be no part of the duties of such inspector to inquire into any instruction in religious subjects given at such school, or to examine any scholar therein in religious knowledge or in any religious subject or book:

(4) The school shall be conducted in accordance with the conditions required to be fulfilled by an elementary school in order to obtain an annual parliamentary grant.

Management of school by School Board.

14. Every school provided by a school board shall be conducted under the control and management of such board in accordance with the following regulations:

(1) The school shall be a public elementary school within the meaning of this Act:

(2) No religious catechism or religious formulary which is distinctive of any particular denomination shall be taught in the school.

Maintenance by School Board of schools and sufficient school accommodation.

18.* The school board shall maintain and keep efficient every school provided by such board, and shall from time to time provide such additional school accommodation as is, in the opinion of the Board of Education, necessary in order to supply a sufficient amount of public school accommodation for their district.

A school board may discontinue any school provided by them, or change the site of any such school, if they satisfy the Education Department that the school to be discontinued is unnecessary, or that such change of site is expedient.

Powers of School Board for providing schools.

19.* Every school board for the purpose of providing sufficient public school accommodation for their district,

* As amended by 1902.

may provide, by building or otherwise, schoolhouses properly fitted up, and improve, enlarge, and fit up any schoolhouse provided by them, and supply school apparatus and everything necessary for the efficiency of the schools provided by them, and purchase and take on lease any land, and any right over land, or may exercise any of such powers.

Compulsory purchase of sites.

20. With respect to the purchase of land by school boards for the purposes of this Act the following provisions shall have effect (that is to say):

Regulations as to the purchase of land compulsorily.

(1) The Lands Clauses Consolidation Act, 1845, and the Acts amending the same, shall be incorporated with this Act, except the provisions relating to access to the special Act; and in construing those Acts for the purposes of this section the special Act shall be construed to mean this Act, and the promoters for the undertaking shall be construed to mean the school board, and land shall be construed to include any right over land.

Purchase of land by managers of public elementary school.

21. For the purpose of the purchase by the managers of any public elementary school of a schoolhouse for such school, or a site for the same, "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same (except so much as relates to the purchase of land otherwise than by agreement), shall be incorporated with this Act; and in construing those Acts for the purposes of this section the special Act shall be construed to mean this Act, and the promoters of the undertaking shall be construed to mean such managers, and land shall be construed to include any right over land.

The conveyance of any land so purchased may be in the form prescribed by the School Sites Acts, or any of them, with this modification, that the conveyance shall express that the land shall be held upon trust for the purposes of a public elementary school within the meaning of this Act, or some one of such purposes which may be specified, and for no other purpose whatever.

Land may be acquired under the Acts incorporated with this section, or under the School Sites Acts, or any of them, or partly under one and partly under another Act.

Any persons desirous of establishing a public elementary school shall be deemed to be managers for the purpose of this section if they obtain the approval of the Education Department to the establishment of such school.

Sale or lease of schoolhouse.

22. The provisions of the Charitable Trusts Acts, 1853 to 1869, which relate to the sale, leasing, and exchange of lands belonging to any charity, shall extend to the sale, leasing, and exchange of the whole or any part of any land or schoolhouse belonging to a school board which may not be required by such board, with this modification, that the Education Department shall for the purposes of this section be deemed to be substituted in those Acts for the Charity Commissioners.

Managers may transfer school to School Board.

23. The managers of any elementary school in the district of a school board may, in manner provided by this Act, make an arrangement with the school board for transferring their school to such school board, and the school board may assent to such arrangement.

An arrangement under this section may be made by the managers by a resolution or other act as follows (that is to say) :

(1) Where there is any instrument declaring the trusts of the school, and such instrument provides any manner in which or any assent with which a resolution or act binding the managers is to be passed or done, then in accordance with the provisions of such instrument ;

(2) Where there is no such instrument, or such instrument contains no such provisions, then in the manner and with the assent, if any, in and with which it may be shown to the Education Department to have been usual for a resolution or act binding such managers to be passed or done ;

(3) If no manner or assent can be shown to have been usual, then by a resolution passed by a majority of not less than two-thirds of those members of their body who are present at a meeting of the body summoned for the purpose, and vote on the question, and with the assent of any other person whose assent under the circumstances appears to the Education Department to be requisite.

And in every case such arrangement shall be made only—

(1) With the consent of the Education Department ; and,

(2) If there are annual subscribers to such school, with the consent of a majority, not being less than two-thirds in number, of those of the annual subscribers who are present at a meeting duly summoned for the purpose, and vote on the question.

Provided that where there is any instrument declaring the trusts of the school, and such instrument contains any provision for the alienation of the school by any persons or in any manner or subject to any consent, any arrangement under this section shall be made by the persons in the manner and with the consent so provided.

Where it appears to the Education Department that there is any trustee of the school who is not a manager, they shall cause the managers to serve on such trustee, if his name and address are known, such notice as the Education Department think sufficient; and the Education Department shall consider and have due regard to any objections and representations he may make respecting the proposed transfer.

The Education Department shall consider and have due regard to any objections and representations respecting the proposed transfer which may be made by any person who has contributed to the establishment of such school.

After the expiration of six months from the date of transfer the consent of the Education Department shall be conclusive evidence that the arrangement has been made in conformity with this section.

An arrangement under this section may provide for the absolute conveyance to the school board of all the interest in the schoolhouse possessed by the managers or by any person who is trustee for them or for the school, or for the lease of the same, with or without any restrictions, and either at a nominal rent or otherwise, to the school board, or for the use by the school board of the schoolhouse during part of the week, and for the use of the same by the managers or some other person during the remainder of the week, or for any arrangement that may be agreed on. The arrangement may also provide for the transfer or application of any endowment belonging to the school, or for the school board undertaking to discharge any debt charged on the school not exceeding the value of the interest in the schoolhouse or endowment transferred to them.

When an arrangement is made under this section the managers may, whether the legal interest in the schoolhouse or endowment is vested in them or in some person as trustee for them or the school, convey to the school board all such interest in the schoolhouse and endowment as is vested in them or in such trustee, or such smaller interest as may be required under the arrangement.

Nothing in this section shall authorise the managers to

transfer any property which is not vested in them, or a trustee for them, or held in trust for the school; and where any person has any right given him by the trusts of the school to use the school for any particular purpose independently of such managers, nothing in this section shall authorise any interference with such right except with the consent of such person.

Every school so transferred shall, to such extent and during such times as the school board have under such arrangement any control over the school, be deemed to be a school provided by the school board.

Re-transfer of school by School Board to managers.

24. Where any school or any interest therein has been transferred by the managers thereof to the school board of any school district in pursuance of this Act, the school board of such district may, by a resolution passed as hereinafter mentioned, and with the consent of the Education Department, re-transfer such school or such interest therein to a body of managers qualified to hold the same under the trusts of the school as they existed before such transfer to the school board, and upon such re-transfer may convey all the interest in the schoolhouse and in any endowment belonging to the school vested in the school board.

A resolution for the purpose of this section may be passed by a majority of not less than two-thirds of those members of the school board who are present at a meeting duly convened for the purpose and vote on the question.

The Education Department shall not give their consent to any such re-transfer unless they are satisfied that any money expended upon such school out of a loan raised by the school board of such district has been or will on the completion of the re-transfer be repaid to the school board.

Every school so re-transferred shall cease to be a school provided by a school board, and shall be held upon the same trusts on which it was held before it was transferred to the school board.

Appointment of officers.

35.* A school board may appoint necessary officers, including the teachers required for any school provided by such board, to hold office during the pleasure of the board, and may assign them such salaries or remuneration (if any) as they think fit, and may from time to time remove any of such officers.

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* As amended by 1902.

Two or more school boards may arrange for the appointment of the same person to be an officer to both or all such boards.

Such officers shall perform such duties as may be assigned to them by the board or boards who appoint them.

Officer to enforce attendance at school.

36.* Every school board may, if they think fit, appoint an officer or officers to enforce the Education Acts and any bye-laws, orders, or other instruments made thereunder with reference to the attendance of children or young persons at school, and to bring children who are liable under the Industrial Schools Act, 1866, to be sent to a certified industrial school before two justices in order to their being so sent, and any expenses incurred under this section may be paid out of the school fund.

Attendance at School.

As to attendance of children at school.

74.† Every school board may from time to time, with the approval of the Education Department, make bye-laws for all or any of the following purposes:

(1) Requiring the parents of children of such age, not less than five years nor more than fifteen years, as may be fixed by the bye-laws, to cause such children (unless there is some reasonable excuse) to attend school:

(2) Determining the time during which children are so to attend school: provided that no such bye-laws shall prevent the withdrawal of any child from any religious observance or instruction in religious subjects, or shall require any child to attend school on any day exclusively set apart for religious observance by the religious body to which his parent belongs, or shall be contrary to anything contained in any Act for regulating the education of children employed in labour:

(4) Imposing penalties for the breach of any bye-laws:

(5) Revoking or altering any bye-law previously made.

Any of the following reasons shall be a reasonable excuse, namely—

(1) That the child is under efficient instruction in some other manner:

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* As amended by 1918.

† As amended by 1900 and 1918.

(2) That the child has been prevented from attending school by sickness or any unavoidable cause :

(3) That there is no public elementary school open which the child can attend within such distance, not exceeding three miles, measured according to the nearest road from the residence of such child, as the bye-laws may prescribe.

The school board, not less than one month before submitting any bye-law under this section for the approval of the Education Department, shall deposit a printed copy of the proposed bye-laws at their office for inspection by any ratepayer, and supply a printed copy thereof gratis to any ratepayer, and shall publish a notice of such deposit.

The Education Department before approving of any bye-laws shall be satisfied that such deposit has been made and notice published, and shall cause such inquiry to be made in the school district as they think requisite.

Any proceeding to enforce any bye-law may be taken, and any penalty for the breach of any bye-law may be recovered, in a summary manner ; but no penalty imposed for the breach of any bye-law shall exceed such amount as with the costs will amount to twenty shillings for each offence, and such bye-laws shall not come into operation until they have been sanctioned by Her Majesty in Council.

It shall be lawful for Her Majesty, by Order in Council, to sanction the said bye-laws, and thereupon the same shall have effect as if they were enacted in this Act.

All bye-laws sanctioned by Her Majesty in Council under this section shall be set out in an appendix to the annual report of the Education Department.

Miscellaneous.

Application of small endowments.

75. Where any school or any endowment of a school was excepted from the Endowed Schools Act, 1869, on the ground that such school was at the commencement of that Act in receipt of an annual parliamentary grant, the governing body (as defined by that Act) of such school or endowment may frame and submit to the Education Department a scheme respecting such school or endowment.

The Education Department may approve such scheme with or without any modifications as they think fit.

The same powers may be exercised by means of such scheme as may be exercised by means of any scheme under

the Endowed Schools Act, 1869, and such scheme, when approved by the Education Department, shall have effect as if it were a scheme made under that Act.

A certificate of the Education Department that a school was at the commencement of the Endowed Schools Act, 1869, in receipt of an annual parliamentary grant shall be conclusive evidence of that fact for all purposes.

Inspection of voluntary schools by inspector not one of Her Majesty's inspectors.

76. Where the managers of any public elementary school not provided by a school board desire to have their school inspected or the scholars therein examined, as well in respect of religious as of other subjects, by an inspector other than one of Her Majesty's inspectors, such managers may fix a day or days not exceeding two in any one year for such inspection or examination.

The managers shall, not less than fourteen days before any day so fixed, cause public notice of the day to be given in the school, and notice in writing of such day to be conspicuously affixed in the school.

On any such day any religious observance may be practised, and any instruction in religious subjects given at any time during the meeting of the school, but any scholar who has been withdrawn by his parents from any religious observance or instruction in religious subjects shall not be required to attend the school on any such day.

Education Department may apply to Charity Commissioners under 16 & 17 Vict. c. 137, etc.

78. The Education Department shall, for the purposes of the Charitable Trusts Acts, 1853 to 1869, be deemed to be persons interested in any elementary school to which those Acts are applicable, and the endowment thereof.

Notices may be served by post.

81.* Certificates, notices, requisitions, orders, precepts, and all documents required by the Education Acts or any regulations or bye-laws made thereunder to be served or sent may, unless otherwise expressly provided, be served and sent by post, and, till the contrary is proved, shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post; and in proving such service or sending it shall be sufficient to prove that the letter containing the certificate, notice, requisition, order, precept, or document was prepaid, and properly addressed, and put into the post.

* As amended by 1918.

Notices to and by School Board.

82. Certificates, notices, requisitions, orders, and other documents may be served on a school board by serving the same on their clerk, or by sending the same to or delivering the same at the office of such board.

Certificates, notices, requisitions, orders, precepts, and other documents may be in writing or in print, or partly in writing and partly in print, and if requiring authentication by a school board may be signed by their clerk.

Evidence of orders, etc., of Education Department.

83. All orders, minutes, certificates, notices, requisitions, and documents of the Education Department, if purporting to be signed by some secretary or assistant secretary of the Education Department, shall, until the contrary is proved, be deemed to have been so signed and to have been made by the Education Department, and may be proved by the production of a copy thereof purporting to have been so signed.

The Documentary Evidence Act, 1868, shall apply to the Education Department in like manner as if the Education Department were mentioned in the first column of the schedule to that Act, and any member of the Education Department, or any secretary or assistant secretary of the Education Department, were mentioned in the second column of that schedule.

Effect of requisitions of Education Department.

84.* After the expiration of three months from the date of any order or requisition of the Education Department under the Education Acts such order or requisition shall be presumed to have been duly made, and to be within the powers of the Education Acts, and no objection to the legality thereof shall be entertained in any legal proceeding whatever.

Appearance of School Board.

85. A school board may appear in all legal proceedings by their clerk, or by some member of the board authorised by a resolution of the board; and every such resolution shall appear upon the minutes of the proceedings of the board, but every such resolution shall, until the contrary is proved, be deemed in any legal proceeding to appear upon such minutes.

Tenure of teacher, and his removal from house under secs.

86. The provisions of the School Sites Acts with respect to the tenure of the office of the schoolmaster or schoolmistress, and to the recovery of possession of any premises

* As amended by 1918.

held over by a master or mistress who has been dismissed or ceased to hold office, shall extend to the case of any school provided by a school board, and of any master or mistress of such school, in the same manner as if the school board were the trustees or managers of the school as mentioned in those Acts. 17 and 18 of 4 & 5 Vict. c. 38.

91. Any person who at the election of any member of a school board or any officer appointed for the purpose of such election is guilty of corrupt practices shall, on conviction, for each offence be liable to a penalty not exceeding two pounds, and be disqualified for the term of six years after such election from exercising any franchise at any election under this Act, or at any municipal or parliamentary election. Corrupt practices.

The term corrupt practices in this section includes all bribery, treating, and undue influence which under any Act relating to a parliamentary election renders such election void.

92. Any penalty and any money which under this Act is recoverable summarily, and all proceedings under this Act which may be taken in a summary manner, may be recovered and taken before two justices in manner directed by an Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An Act to facilitate the performance of the duties of justices of the peace out of sessions within England and Wales with respect to summary convictions and orders," and the Acts amending the same. Recovery of penalties. 11 & 12 Vict. c. 43.

95. Every school board shall make such report and returns and give such information to the Education Department as the Department may from time to time require. Returns by School Board.

(II.) Parliamentary Grant.

96. After the thirty-first day of March one thousand eight hundred and seventy-one no parliamentary grant shall be made to any elementary school which is not a public elementary school within the meaning of this Act. Parliamentary grant to public elementary school only.

No parliamentary grant shall be made in aid of building, enlarging, improving, or fitting up any elementary school, except in pursuance of a memorial duly signed, and containing the information required by the Education Depart-

ment for enabling them to decide on the application, and sent to the Education Department on or before the thirty-first day of December one thousand eight hundred and seventy.

Conditions of annual Parliamentary grant.

97.* The conditions required to be fulfilled by an elementary school in order to obtain an annual parliamentary grant shall be those contained in the minutes of the Education Department in force for the time being, and shall amongst other matters provide that after the thirty-first day of March one thousand eight hundred and seventy-one—

(1) Such grant shall not be made in respect of any instruction in religious subjects;

but such conditions shall not require that the school shall be in connection with a religious denomination, or that religious instruction shall be given in the school, and shall not give any preference or advantage to any school on the ground that it is or is not provided by a school board.

Refusal of grant to unnecessary schools.

98. If the managers of any school which is situate in the district of a school board acting under this Act, and is not previously in receipt of an annual parliamentary grant, whether such managers are a school board or not, apply to the Education Department for a parliamentary grant, the Education Department may, if they think that such school is unnecessary, refuse such application.

The Education Department shall cause to be laid before both Houses of Parliament in every year a special report stating the cases in which they have refused a grant under this section during the preceding year, and their reasons for each such refusal.

Power of schools to take parliamentary grants.

99. The managers of every elementary school shall have power to fulfil the conditions required in pursuance of this Act to be fulfilled in order to obtain a parliamentary grant, notwithstanding any provision contained in any instrument regulating the trusts or management of their school, and to apply such grant accordingly.

Report.

Annual report of Education Department.

100. The Education Department shall in every year cause to be laid before both Houses of Parliament a report of their proceedings under this Act during the preceding year.

* As amended by 1902 and 1918.

ELEMENTARY EDUCATION ACT, 1873.

A.D. 1873.

36 & 37 Vict. Chapter 86.

Construction of Act.

2. This Act shall be construed as one with the principal Act, and the expression " this Act " in the principal Act* shall be construed to include this Act.

Power of School Board to accept gifts for educational purposes.

13. A school board shall be able and be deemed always to have been able to be constituted trustees for any educational endowment or charity for purposes connected with education, whether such endowment or charity was established before or after the passing of the principal Act, and to have and always to have had power to accept any real or personal property given to them as an educational endowment or upon trust for any purposes connected with education : Provided that—

(1) Nothing in this section shall enable a school board to be trustees for or accept any educational endowment, charity, or trust, the purposes of which are inconsistent with the principles on which the school board are required by section fourteen of the principal Act to conduct schools provided by them ; and,

(2) Every school connected with such endowment, charity, or trust shall be deemed to be a school provided by the school board, except that nothing in this section shall authorise the school board to expend any money out of the local rate for any purpose other than elementary education ; and

(3) Nothing in this section shall affect the law of mortmain.

Notices for purposes of Elementary Education Acts.

20. Notices and other matters required by the Elementary Education Acts, 1870 and 1873, to be published shall, unless otherwise expressly provided, be published either by advertisement, and by affixing the same on the doors of churches and chapels, and other public places, or in such other manner as the Education Department may either generally or with respect to any particular district, place, or notice, or class of districts, places, or notices, by order determine, as being in their opinion sufficient for giving information to all persons interested ; and all overseers, assistant overseers, and officers of guardians shall comply

* *I.e.* Education Act, 1870.

with the directions of the Education Department with respect to such notices, and any expenses incurred by them in carrying into effect this section may be paid as their expenses under the Acts relating to the relief of the poor.

Every person who wilfully tears down, injures, or defaces any notice affixed in pursuance of the Elementary Education Acts, 1870 and 1873, or any order of the Education Department made thereunder, shall be liable on summary conviction to a penalty not exceeding forty shillings.

Returns by schools to School Boards.

22. In any school district in which a bye-law under section seventy-four of the principal Act is in force, the school board of such district may from time to time supply forms to any public elementary school for the purpose of obtaining reasonable information with respect to the attendance of children residing in their district who attend such school; and the managers of such school, if they fail to cause such forms to be truly filled up and returned in manner required by the school board, or to cause such information to be given as will enable the school board to ascertain whether a child resident within their district and attending that school attends the same in manner required by the said bye-law, shall cause to be produced to such member or officer of the school board or other person as may be duly authorised in that behalf by the school board at any reasonable time when required by him the registers and other books and documents containing information with respect to the attendance of children at such school, and shall permit him to inspect and take copies of and extracts from the same.

If any difference arises between a school board and the managers of a public elementary school as to whether the information required by the said forms is or is not reasonable, such difference shall be referred to the Education Department, whose decision shall be final.

Legal Proceedings.

Legal proceedings.

23. All offences and penalties under the principal Act or this Act, or any bye-law under the principal Act, which may be prosecuted or recovered on summary conviction may be prosecuted and recovered in manner provided by the Summary Jurisdiction Acts.

The court of summary jurisdiction, when hearing and determining an information or complaint, shall be consti-

tuted either of two or more justices of the peace in petty sessions, sitting at a place appointed for holding petty sessions, or of some magistrate or officer sitting alone or with others at some court or other place appointed for the administration of justice, and for the time being empowered by law to do alone any act authorised to be done by more than one justice of the peace.

Regulations as to legal proceedings.

24.* With respect to proceedings before a court of summary jurisdiction for offences and penalties under the Education Acts or any bye-laws made thereunder, the following provisions shall have effect:

(4) Any justice may require by summons any parent or employer of a child or young person, required by the Education Acts or by any bye-laws, orders or other instruments made thereunder to attend school, to produce the child or young person before a court of summary jurisdiction, and any person failing, without reasonable excuse to the satisfaction of the court, to comply with such summons shall be liable to a penalty not exceeding twenty shillings:

(5) A certificate purporting to be under the hand of the principal teacher of a public elementary or continuation school, stating that a child or young person is or is not attending such school, or stating the particulars of the attendance of a child or young person at such school, shall be evidence of the facts stated in such certificate:

(6) Where a child or young person is apparently of the age alleged for the purposes of the proceeding, it shall lie on the defendant to prove that the child or young person is not of such age:

(8) Where a local Education Authority are, by reason of the default of the managers or proprietor of an elementary or continuation school, unable to ascertain whether a child or young person who is resident within the district of such local Education Authority and attends such school attends school in conformity with the Education Acts or any bye-laws, orders or other instruments made thereunder, it shall lie on the defendant to show that the child or young person has attended school in conformity

* As amended by 1918.

with the said Acts, bye-laws, orders or other instruments.

(9) Any person may appear by any member of his family or any other person authorised by him in this behalf.

Forgery of certificate, and giving false information.

25. Every person who forges or counterfeits any certificate which is by this Act made evidence of any matter, or gives or signs any such certificate which is to his knowledge false in any material particular, or, knowing any such certificate to be forged, counterfeit, or false, make use thereof, shall be liable on summary conviction to imprisonment for a period not exceeding three months, with or without hard labour.

Definitions and Repeal.

Interpretation.

27. In this Act—

"Guardians."

The term "guardians" includes any body of persons performing the functions of guardians within the meaning of the Acts relating to the relief of the poor:

"Union."

The term "union" means any union or incorporation of parishes under any general or local Act, and any single parish having guardians as defined by this Act under any general or local Act:

"Common fund."

The term "common fund" means, in the case of a union which comprises only one parish, the fund applicable to the relief of the poor of such parish.

A.D. 1876.

ELEMENTARY EDUCATION ACT, 1876.

39 & 40 Vict. Chapter 79.

PART I.

Law as to Employment and Education of Children.

Declaration of duty of parent to educate child.

4. It shall be the duty of the parent of every child to cause such child to receive efficient elementary instruction in reading, writing, and arithmetic, and if such parent fail to perform such duty, he shall be liable to such orders and penalties as are provided by this Act.

Enforcement of Act by School Board.

7.* The provisions of this Act respecting the employment of children shall be enforced—

* As amended by 1902, 1918, and 56 & 57 Vict. c. 73.

(1) In a school district within the jurisdiction of a school board, by that board; and

(2) Every such school board (in this Act referred to as the local authority) shall, as soon as may be, publish the provisions of this Act within their jurisdiction in such manner as they think best calculated for making those provisions known.

It shall be the duty of such local authority to report to the Education Department any infraction of the provisions of section seven of the Elementary Education Act, 1870, in any public elementary school within their district which may come to their knowledge, and also to forward to the Education Department any complaint which they may receive of the infraction of those provisions.

Provision as to order of court for attendance at school of child habitually neglected by parent or habitually wandering and consorting with criminals or disorderly persons.

11.* If either—

(1) The parent of any child above the age of five years habitually and without reasonable excuse neglects to provide efficient elementary instruction for his child; or

(2) Any child is found habitually wandering or not under proper control, or in the company of rogues, vagabonds, disorderly persons, or reputed criminals;

it shall be the duty of the local authority, after due warning to the parent of such child, to complain to a court of summary jurisdiction, and such court may, if satisfied of the truth of such complaint, order that the child do attend some certified efficient school willing to receive him and named in the order, being either such as the parent may select, or if he do not select any, then such public elementary school as the court think expedient, and the child shall attend that school every time that the school is open, or in such other regular manner as is specified in the order.

An order under this section is in this Act referred to as an attendance order.

Any of the following reasons shall be a reasonable excuse:

(1) That there is not within such distance as may be prescribed by the bye-laws, measured according to the nearest road, from the residence of such child any public elementary school open which the child can attend; or

(2) That the absence of the child from school has been caused by sickness or any unavoidable cause.

* As amended by 1918.

Proceedings on disobedience to order of court for attendance at school.

12.* Where an attendance order is not complied with, without any reasonable excuse within the meaning of this Act, a court of summary jurisdiction, on complaint made by the local authority, may, if it think fit, order as follows :

(1) In the first case of non-compliance, if the parent of the child does not appear, or appears and fails to satisfy the court that he has used all reasonable efforts to enforce compliance with the order, the court may impose a penalty not exceeding with the costs twenty shillings; but if the parent satisfies the court that he has used all reasonable efforts as aforesaid, the court may, without inflicting a penalty, order the child to be sent to a certified day industrial school, or if it appears to the court that there is no such school suitable for the child, then to a certified industrial school; and

(2) In the second or any subsequent case of non-compliance with the order, the court may order the child to be sent to a certified day industrial school, or if it appears to the court that there is no such school suitable for the child then to a certified industrial school, and may further in its discretion inflict any such penalty as aforesaid, or it may for each such non-compliance inflict any such penalty as aforesaid without ordering the child to be sent to an industrial school;

provided that a complaint under this section with respect to a continuing non-compliance with any attendance order shall not be repeated by the local authority at any less interval than two weeks.

A child shall be sent to a certified industrial school or certified day industrial school in pursuance of this section in like manner as if sent in pursuance of the Industrial Schools Act, 1866, and when so sent shall be deemed to have been sent in pursuance of that Act and the Acts amending the same; and the parent, if liable under the said Acts to contribute to the maintenance and training of his child when sent to an industrial school, shall be liable so to contribute when his child is sent in pursuance of this section.

29 & 30 Vict. c. 118.

Duty of local authority as to taking proceedings under this Act or 29 & 30 Vict. c. 118.

13. Where the local authority are informed by any person of any child in their jurisdiction who is stated by

* As amended by 1900.

that person to be liable to be ordered by a court under this Act to attend school, or to be sent under this Act, or the Industrial Schools Act, 1866, to an industrial school, it shall be the duty of the local authority to take proceedings under this Act or the Industrial Schools Act, 1866, accordingly, unless the local authority think that it is inexpedient to take such proceedings.

Provided that nothing in this section shall relieve the local authority from the responsibility of performing their duty under the other provisions of this Act.

Industrial School.

Licence to child sent to industrial school to live out while attending school.

14. Where a child is sent to a certified industrial school under this Act or the Industrial Schools Act, 1866, upon the complaint or representation of the local authority under this Act, the managers of such school may, if they think fit, at any time after the expiration of one month after the child is so sent give him a licence under section twenty-seven of the Industrial Schools Acts, 1866, to live out of the school, but the licence shall be conditional upon the child attending as a day scholar, in such regular manner as is specified in the licence, some school willing to receive him and named in the licence, and being a certified efficient school.

Amendment as to provision of industrial school by School Board.

15.* The consent of one of Her Majesty's Principal Secretaries of State, and not of the Education Department, shall be required for the establishing, building, and maintaining of a certified industrial or certified day industrial school by a school board, and to the spreading of the payment of the expense of such establishment and building over a number of years, and to the borrowing of money for that purpose; and for the purpose of such borrowing section ten of the Elementary Education Act, 1873, shall be held to apply to the loan in like manner as if one of Her Majesty's Principal Secretaries of State were substituted therein for the Education Department, and such establishment and building shall be deemed to be a work for which a school board is authorised to borrow within the meaning of the First Schedule to the Public Works Loans Act, 1875.

Day Industrial School.

Establishment, etc., of day industrial schools.

16. If a Secretary of State is satisfied that, owing to the circumstances of any class of population in any school

* As amended by 1902.

district, a school in which industrial training, elementary education, and one or more meals a day, but not lodging, are provided for the children, is necessary or expedient for the proper training and control of the children of such class, he may, in like manner as under the Industrial Schools Act, 1866, certify any such school (in this Act referred to as a day industrial school) in the neighbourhood of the said population to be a certified day industrial school.

Any child authorised by the Industrial Schools Act, 1866, to be sent to a certified industrial school, may, if the court before whom the child is brought think it expedient, be sent to a certified day industrial school; any child sent to a certified day industrial school by an order of a court (other than an attendance order under this Act) may during the period specified in the order be there detained during such hours as may be authorised by the rules of the school approved by the said Secretary of State.

A certified day industrial school shall be deemed to be a certified efficient school within the meaning of this Act.

In the case of a certified day industrial school—

(1) A prison authority within the meaning of the Industrial Schools Act, 1866, and a school board shall respectively have the same powers in relation to a certified day industrial school as they have in relation to a certified industrial school; and

(2) There may be contributed out of moneys provided by Parliament towards the custody, industrial training, elementary education, and meals of children sent by an order of a court other than an attendance order under this Act to a certified day industrial school such sums not exceeding one shilling per head per week, and on such conditions as a Secretary of State from time to time recommends; and

(3) Where a court of summary jurisdiction orders otherwise than by an attendance order under this Act a child to be sent to a certified day industrial school, the court shall also order the parent of such child, if liable to maintain him, to contribute to his industrial training, elementary education, and meals in the school such sum not exceeding two shillings per week as is named in the order; it shall be the duty of the local authority to obtain and enforce the said order, and every sum paid under the order shall be paid over to the local authority in aid of their expenses under

this Act; if a parent resident in any parish is unable to pay the sum required by the said order to be paid, he shall apply to the guardians having jurisdiction in the parish, who, if satisfied of such inability, shall give the parent sufficient relief to pay the said sum, or so much thereof as they consider him unable to pay, and the money so given shall be charged to the parish as provided by this Act in the case of money given for the payment of school fees; and

(4) The managers of a certified day industrial school may, upon the request of a local authority and of the parent of a child, and upon the undertaking of the parent to pay towards the industrial training, elementary education, and meals of such child such sum, not less than one shilling a week, as a Secretary of State from time to time fixes, receive such child into the school under an attendance order or without an order of a court; and there may be contributed out of moneys provided by Parliament in respect of that child such sum, not exceeding sixpence a week and on such conditions as a Secretary of State from time to time recommends.

It shall be lawful for Her Majesty from time to time, by Order in Council, to apply to a certified day industrial school the provisions of the Industrial Schools Act, 1866, and the Acts amending the same, with such modifications as appear to Her Majesty to be necessary or proper for adapting such provisions to a day industrial school, and bringing them into conformity with this Act; and such Order may provide that a child may be punished for an offence by being sent to a certified industrial in lieu of a certified reformatory school, or may otherwise mitigate any punishment imposed by the said Act.

It shall be lawful for Her Majesty from time to time, by Order in Council, to revoke and vary any Order in Council made under this section.

Every such Order shall be laid before both Houses of Parliament within one month after it is made if Parliament be then sitting, or if not, within one month after the beginning of the then next session of Parliament, and while in force shall have effect as if it were enacted in this Act.

A Secretary of State may from time to time make, and when made revoke and vary, the forms of orders for sending

a child to a day industrial school, and the manner in which children are to be sent to such school.

If a Secretary of State is of opinion that, by reason of a change of circumstances or otherwise, a certified day industrial school ceases to be necessary or expedient for the proper training and control of the children of any class of population in the neighbourhood of that school, he may, after due notice, withdraw the certificate of the school, and thereupon such school shall cease to be a certified day industrial school.

Provided, that the reasons for withdrawing such certificate shall be laid before both Houses of Parliament within one month after notice of the withdrawal is given, if Parliament be then sitting, or if not, within one month after the then next meeting of Parliament.

Conditions of contribution to day industrial schools.

17. The conditions of a parliamentary contribution to a certified day industrial school, to be recommended by the Secretary of State, shall provide for the examination of the children according to the standards of proficiency for the time being in force for the purposes of a parliamentary grant to public elementary schools; but may vary the amounts of the contributions to be made in respect of such standards respectively.

Any conditions recommended by a Secretary of State for the purposes of contributions to a day industrial school shall be laid before Parliament in the same manner as Minutes of the Education Department relating to the annual parliamentary grant.

Conditions for obtaining parliamentary grant.

20. The conditions required to be fulfilled by schools in order to obtain annual parliamentary grants shall provide that the income of the schools shall be applied only for the purpose of public elementary schools.

Bye-laws.

Provision as to bye-laws under sec. 74 of the Elementary Education Act, 1870 (33 & 34 Vict. c. 75), as extended by this Act.

23.* It shall be the duty of every local authority to enforce the bye-laws made by that authority in pursuance of section seventy-four of the Elementary Education Act, 1870.

Administrative Provisions.

Supplemental provisions as to certificates of proficiency and previous attendance at school.

24.† The Education Department may from time to time by order make, and when made revoke and vary, regulations

* As amended by 1902.
† As amended by 1918.

with respect to certificates of age for the purposes of this Act, and with respect to the preservation of registers, and such regulations shall be observed by the local authority and the managers of certified efficient schools.

All regulations made by the Education Department under this section shall be laid before Parliament in the same manner as Minutes of the Education Department relating to the annual parliamentary grant.

Certificates of birth for purposes of Act.

25. Where the age of any child is required to be ascertained or proved for the purposes of this Act, or for any purpose connected with the elementary education or employment in labour of such child, any person on presenting a written requisition in such form and containing such particulars as may be from time to time prescribed by the Local Government Board, and on payment of such fee, not exceeding one shilling, as the Local Government Board from time to time fix, shall be entitled to obtain a certified copy under the hand of the registrar or superintendent registrar of the entry in the register under the Births and Deaths Registration Acts, 1836 to 1874, of the birth of the child named in the requisition.

Returns of registrars of births and deaths to School Boards.

26. Every registrar of births and deaths, when and as required by a local authority, shall transmit, by post or otherwise, a return of such of the particulars registered by him concerning deaths and births of children as may be specified in the requisition of the local authority.

The local authority may supply a form, approved by the Local Government Board, for the purpose of the return, and in that case the return shall be made in the form so supplied.

The local authority may pay, as part of their expenses under this Act, to the registrar making such return such fee as may be agreed upon between them and the registrar, not exceeding twopence for every birth and death entered in such return.

Provision as to powers and expenses of School Board.

30. The powers and expenses of a school board under this Act shall be deemed to be powers and expenses of that board under the Elementary Education Act, 1870, and the provisions of that Act and any Act amending the same shall apply thereto accordingly.

Legal Proceedings.

Application of 36 & 37 Vict. c. 86, secs. 23-25, to penalties.

37.* Sections twenty-three, twenty-four, and twenty-five of the Elementary Education Act, 1873 (which provisions relate to legal proceedings, and the forgery of certificates), shall so far as applicable apply in the case of offences and penalties under this Act, and proceedings for such offences and penalties and of certificates for the purposes of this Act, in like manner as if those sections were enacted in this Act and in terms made applicable thereto.

An order which a court of summary jurisdiction have authority to make in pursuance of this Act may be made in manner provided by the Summary Jurisdiction Acts.

No prosecutions except with the authority of two members of a School Board or local authority.

38. No legal proceedings for non-attendance or irregular attendance at school shall be commenced in a court of summary jurisdiction, by any person appointed to carry out the Education Acts or any bye-laws made thereunder, except by the direction of not less than two members of the Education Committee of a Local Education Authority or of any sub-committee appointed by that committee for school attendance purposes.

General definitions.

48. A child in this Act means a child between the ages of five and fourteen years.

Terms in this Act shall, so far as is consistent with the tenor thereof, have the same meaning as in the Elementary Education Acts, 1870 and 1873.

The term " certified efficient school " in this Act means a public elementary school, and any workhouse school certified to be efficient by the Local Government Board, and any public or state-aided elementary school in Scotland, and any national school in Ireland, and also any elementary school which is not conducted for private profit, and is open at all reasonable times to the inspection of Her Majesty's Inspectors, and requires the like attendance from its scholars as is required in a public elementary school, and keeps such registers of those attendances as may be for the time being required by the Education Department, and is certified by the Education Department to be an efficient school.

The term " Factory Acts " in this Act, where the Factory Act of any particular year is not referred to, means the Factory Acts, 1833 to 1874, as amended by this Act, and

* As amended by 1918.

includes the Workshop Acts, 1867 to 1871, as amended by this Act, and any Acts for the time being in force regulating factories and workshops.

The term "Secretary of State" means one of Her Majesty's Principal Secretaries of State.

ELEMENTARY EDUCATION ACT, 1880.

A.D. 1880.

43 & 44 Vict. Chapter 23.

2. It shall be the duty of the local authority (within the meaning of the Elementary Education Act, 1876) of every school district in which bye-laws respecting the attendance of children at school under section seventy-four of the Elementary Education Act, 1870, are not at the passing of this Act in force, forthwith to make bye-laws under that section for such district.

Obligation to make bye-laws as to the attendance of children at school. 39 & 40 Vict. c. 79. 33 & 34 Vict. c. 75.

If at any time after the thirty-first day of December one thousand eight hundred and eighty it appears to the Education Department that in any school district there are no bye-laws under that section in force, the Education Department may either proceed under section twenty-seven of the Elementary Education Act, 1876 (which relates to a local authority who fail to fulfil their duty under that Act), or may make bye-laws respecting the attendance of children at school in that district, and the bye-laws so made shall have effect and be enforced and be subject to revocation and alteration as if they had been made by the local authority for that district and sanctioned by the Education Department in pursuance of section seventy-four of the Elementary Education Act, 1870.

39 & 40 Vict. c. 79.

33 & 34 Vict. c. 75.

ELEMENTARY EDUCATION (BLIND AND DEAF CHILDREN) ACT, 1893.

A.D. 1893.

56 & 57 Vict. Chapter 42.

1.—(1) The efficient elementary instruction which under the Elementary Education Act, 1876, a parent must cause his child to receive, shall, in the case of a blind or deaf child, be construed as including instruction suitable to such a child, and the fact of a child being blind or deaf shall not

Obligation of parents as to blind and deaf children.

of itself, except in the case of a deaf child under seven years of age, be a reasonable excuse for not causing the child to attend school, or for neglecting to provide efficient elementary instruction for the child.

(2) In the case of a blind or deaf child, the fact that there is not within any particular distance from the residence of the child any public elementary school which the child can attend shall not of itself be a reasonable excuse for not causing the child to attend school, or for neglecting to provide efficient elementary instruction for the child.

Duty of school authority with respect to blind and deaf children.

2.—(1) It shall be the duty of every school authority, as defined by this Act, to enable blind and deaf children resident in their district, for whose elementary education efficient and suitable provision is not otherwise made, to obtain such education in some school for the time being certified by the Education Department as suitable for providing such education, and for that purpose either to establish or acquire and to maintain a school so certified, or to contribute, on such terms and to such extent as may be approved by the Education Department, towards the establishment or enlargement, alteration, and maintenance of a school so certified, or towards any of these purposes, and, where necessary or expedient, to make arrangements, subject to regulations of the Education Department, for boarding out any blind or deaf child in a home conveniently near to the certified school where the child is receiving elementary education.

(2) Provided that the duty of a school authority under this section shall not extend to children who are—

(*a*) idiots or imbeciles ; or

(*b*) resident in a workhouse or in any institution to which they have been sent by a board of guardians from a workhouse ; or

(*c*) boarded out by guardians.

(3) Where a school authority contributes under this section to the establishment, enlargement, or alteration of a certified school maintained by another authority, the terms approved by the Education Department shall include security for repayment of the value of the contribution, in the event of the school ceasing to be certified.

Power to make provision for representation.

3. The terms of contribution approved by the Education Department may include provision for representation of the contributing school authority on the governing body of

the school to which it contributes, in cases where such representation appears to the Education Department to be practicable and expedient.

Constitution of school authority.

4. The school authority for the purposes of this Act shall be—

(*a*) for an area under a school board, the school board.

Powers and expenses of school authority.

5.*—(1) For the performance of their duties under this Act a school authority may, without prejudice to any other powers, exercise the like powers as may be exercised by a school board for the provision of school accommodation for their district, and the consent of the Local Government Board to the exercise of the power of borrowing for the purposes of this Act may be given in any case in which the exercise of that power appears to the Department expedient.

(2) The expenses of a school authority under this Act shall be paid out of the fund applicable to their general expenses.

Conditions and effect of grant of certificate to school for blind or deaf children.

7.—(1) A school shall not be certified by the Education Department as suitable for providing elementary education for blind or deaf children—

(*a*) if it is conducted for private profit; nor

(*b*) unless it is either managed by a school authority, or the annual expenses of its maintenance are audited and published in accordance with regulations of the Education Department; nor

(*c*) unless it is open at all times to the inspection of Her Majesty's Inspectors of Schools and of any visitors authorised by any school authority sending children to the school; nor

(*d*) unless the requirements of this Act are complied with in the case of the school.

(2) Every school so certified (in this Act referred to as a certified school) shall be deemed to be a certified efficient school within the meaning of the Elementary Education Act, 1876, and for the purposes of section eleven of that Act may, in the case of a blind or deaf child, be treated as if it were a public elementary school.

(3) A certificate granted in pursuance of this section shall be annual.

(4) For the purposes of this section there shall be included

* As amended by 1900 and 1902.

in local rates any sum received under this Act by a school authority from a parent and applied towards the general expenses of the school authority.

Provisions as to religious instruction.

8.—(1) If and so far as the school which a child is required in pursuance of this Act to attend is not a public elementary school, it must, in all matters relating to the religious instruction and observances of the child, be conducted in accordance with the rules applying to industrial schools, except that references in the Industrial Schools Act, 1866, and the rules made under it, to the Secretary of State shall be construed as references to the Education Department; and any school authority may provide and maintain for the purposes of this Act a school so conducted.

29 & 30 Vict. c. 118.

(2) Every rule made under this section shall be forthwith laid before both Houses of Parliament.

(3) In selecting a school under this Act the school authority shall be guided by the rules laid down in the Industrial Schools Act, 1866, and if a child is boarded out in pursuance of this Act, the school authority shall, if possible, arrange for the boarding out being with a person belonging to the religious persuasion of the child's parent.

(4) Where a child is required in pursuance of this Act to attend any school, the child shall not be compelled to receive religious instruction contrary to the wishes of the parent, and shall, so far as practicable, have facilities for receiving religious instruction and attending religious services conducted in accordance with the parent's persuasion, which shall be duly registered on the child's admission to the school.

Liability of parent for expenses of blind or deaf child.

9.—(1) Where a school authority incur any expense under this Act in respect of any blind or deaf child, the parent of the child shall be liable to contribute towards the expenses of the child such weekly sum, if any, as, regard being had to the provisions of the Elementary Education Act, 1891, may be agreed on between the school authority and the parent, or, if the parties fail to agree, as may, on the application of either party, be settled by a court of summary jurisdiction, and any sum so agreed on or settled may, without prejudice to any other remedy, be recovered by the school authority summarily as a civil debt.

54 & 55 Vict. c. 56.

(2) It shall be the duty of the school authority to enforce any order made under this section, and any sum received

by a school authority under this section may be applied by the school authority in aid of their general expenses.

(3) A court competent to make an order under this section may at any time revoke or vary any order so made.

Saving for rights of parent.

10.—(1) The parent of a blind or deaf child shall not, by reason of any payment made under this Act in respect of the child, be deprived of any franchise, right, or privilege, or be subject to any disability or disqualification.

(2) Payments under this Act shall not be made on condition of a child attending any certified school other than such as may be reasonably selected by the parent, nor refused because the child attends or does not attend any particular certified school.

Period of education for blind and deaf.

11. For the purposes of the Elementary Education Acts, 1870 to 1891, a blind or deaf boy or girl shall be deemed to be a child until the age of sixteen years; and the period of compulsory education shall, in the case of such a child, extend to sixteen years, and the attendance of such a child at school may be enforced as if it were required by bye-laws made under the Elementary Education Acts, 1870 to 1891; and any such child shall not, in pursuance of any such bye-laws, be entitled to total or partial exemption from the obligation to attend school.

Grants from public money towards education of blind and deaf children.

12. Nothing in any Act of Parliament shall prevent the Education Department from giving aid from the parliamentary grant to a certified school in respect of education given to blind or deaf children to such amount and on such conditions as may be directed by or in pursuance of the minutes of the Education Department in force for the time being.

Repeal of powers of guardians to send blind or deaf children to school.

13.—(1) As from the first day of July one thousand eight hundred and ninety-four so much of any enactment in force at that date as empowers boards of guardians to send blind or deaf children to school shall be repealed, except as to children who are—

(*a*) idiots or imbeciles; or

(*b*) resident in a workhouse or in an institution to which they have been sent by a board of guardians from a workhouse; or

(*c*) boarded out by guardians.

Report to be laid before Parliament.

14. The Education Department shall annually lay before both Houses of Parliament a report of their proceedings

under this Act during the preceding year, and in that report shall give lists of the schools to which they have granted and refused certificates under this Act during the year with their reasons for each such refusal.

Interpretation of terms.

15.—(1) In this Act—

The expression " blind " means too blind to be able to read the ordinary school books used by children;

The expression " deaf " means too deaf to be taught in a class of hearing children in an elementary school;

The expression " school " includes any institution in which blind or deaf children are boarded or lodged as well as taught, and any establishment for boarding or lodging children taught in a certified school;

The expression " elementary education " may include industrial training whether given in the school which the child attends or not;

The expression " maintenance " includes clothing;

The expression " expenses," when used in relation to a child, includes the expenses of and incidental to the attendance of the child at a school, and of and incidental to the maintenance and boarding out of the child while so attending, and the expenses of conveying the child to or from the school.

Other expressions have, unless the contrary intention appears, the same meaning as in the Elementary Education Acts, 1870 to 1891.

(2) For the purposes of this Act a child resident in a school or boarded out in pursuance of this Act shall be deemed to be resident in the district from which the child is sent.

A.D. 1899

ELEMENTARY EDUCATION (DEFECTIVE AND EPILEPTIC CHILDREN) ACT, 1899.

62 & 63 Vict. Chapter 32.

Power to school authority to determine what children are defective or epileptic. 56 & 57 Vict. c. 42.

1.—(1) A school authority, as defined by the Elementary Education (Blind and Deaf Children) Act, 1893, may, with the approval of the Education Department, make such arrangements as they think fit for ascertaining—

(*a*) what children in their district, not being imbecile, and not being merely dull or backward, are defective, that is to say, what children by reason of mental or

physical defect are incapable of receiving proper benefit from the instruction in the ordinary public elementary schools, but are not incapable by reason of such defect of receiving benefit from instruction in such special classes or schools as are in this Act mentioned; and

(*b*) what children in their district are epileptic children, that is to say, what children, not being idiots or imbeciles, are unfit by reason of severe epilepsy to attend the ordinary public elementary schools.

(2) The school authority, in making their arrangements under this section, shall provide facilities for enabling any parent, who is of opinion that his child ought to be dealt with under this Act, to present such child to the school authority to be examined, although he may not have been required so to do by that authority; and any school authority failing to provide such facilities shall be deemed to have acted in contravention of this Act.

(3) For the purpose of ascertaining whether a child is defective or epileptic within the meaning of this section, a certificate to that effect by a duly qualified practitioner approved by the Education Department shall be required in each case. The certificate shall be in such form as may be prescribed by the Education Department.

(4) For the purpose of the exercise of the powers conferred by this section, it shall be the duty of the parent of any child who may be required by the school authority to be examined to cause the child to attend such examination, and any parent who fails to comply with such requirement shall be liable on summary conviction to a fine not exceeding five pounds.

Power to provide for education of defective and epileptic children.

2.*—(1) Where a school authority have ascertained that there are in their district defective children, they may, and in the case of epileptic and defective children whose age exceeds seven years, shall make provision for the education of such children by all or any of the following means* :—

(*a*) by classes in public elementary schools certified by the Education Department as special classes; or

(*b*) by boarding out, subject to the regulations of the Education Department, any such child in a house conveniently near to a certified special class or school; or

* As amended by 1914 and 1918.

(*c*) by establishing schools, certified by the Education Department, for defective children.

(2) Where a school authority have ascertained that there are in their district epileptic children, they may make provision for the education of such children by establishing schools, certified by the Education Department, for epileptic children.

(3) The power conferred by this section shall include power to establish or acquire and to maintain certified schools, and to contribute, on such terms and to such extent as may be approved by the Education Department, towards the establishment, enlargement, or alteration, and towards the maintenance of certified schools.

(4) A school authority may in respect of children resident in or whose permanent home is in their district and attending certified special classes or schools in the district of another school authority, contribute to that other authority the proportionate cost of the provision and maintenance of such special classes or schools.

(5) The school authority, acting under this section, shall make provision for the examination from time to time of any child dealt with under this section, in order to ascertain whether such child has attained such a mental and physical condition as to be fit to attend the ordinary classes of public elementary schools; and the school authority shall make provision for such examination in the case of any child whose parent claims such examination of his child, provided that the parent shall not make such claim within less than six months after his child has been examined; and any school authority failing to make such provision as this subsection requires shall be deemed to have acted in contravention of this Act.

Provision of guides or conveyances.

3. A school authority may provide guides or conveyances for children who, in the opinion of the school authority, are by reason of any physical or mental defect, unable to attend school without guides or conveyances.

Obligation of parent as to defective and epileptic children. 39 & 40 Vict. c. 79.

4.—(1) The duty of a parent under section four of the Elementary Education Act, 1876, to provide elementary instruction for his child shall, in the case of a defective or epileptic child over seven years of age in any place where a certified special class or school is within reach of the child's residence, include the duty to cause the child to attend such a class or school, and a parent shall not be excused from

this duty by reason only that a guide or conveyance for the child is necessary.

(2) In the case of an epileptic child whose age exceeds seven years, the school authority may, if they think fit, apply to a court of summary jurisdiction for an order requiring the child to be sent to a certified school for epileptics, and if any parent fails to comply with the order, he shall be deemed to have failed to perform the duty prescribed by section four of the Elementary Education Act, 1876, and may be proceeded against accordingly.

Conditions and effect of grant of certificate to school for defective or epileptic children.

5. The provisions of section seven of the Elementary Education (Blind and Deaf Children) Act, 1893, respecting the conditions and effect of the grant of certificates to schools for blind or deaf children shall apply, with the necessary modifications to schools for defective or epileptic children established or proposed to be established under this Act, except that no requirement need be made as to the proportion of the expenses to be defrayed out of private sources.

Powers and expenses of school authority. 56 & 57 Vict. c. 42.

6. The provisions of section five of the Elementary Education (Blind and Deaf Children) Act, 1893 (relating to the powers and expenses of a school authority under that Act) shall apply, with the necessary modifications, to school authorities acting under this Act.

Provided that a parish in which there is a school board shall be exempt from contributing to the expenses incurred by any district council acting as a school authority under this Act, and where a school authority are an urban district council their expenses as such authority shall be paid out of the fund to be raised in the area for which they are a school authority in the same manner as the fund out of which their general expenses are payable is raised in the urban district.

Grants from public money towards education of defective and epileptic children.

7. Nothing in any Act of Parliament shall prevent the Education Department from giving aid from the parliamentary grant to a school in respect of education given to defective or epileptic children to such amount and on such conditions as may be directed by or in pursuance of the minutes of the Education Department in force for the time being.

Contribution by parent.

8.—(1) The parent of a defective or epileptic child shall be liable to contribute towards the expenses of the child

incurred by a school authority under this Act in like manner and to the like extent as the parent of a blind or deaf child is liable to contribute under section nine of the Elementary Education (Blind and Deaf Children) Act, 1893, and the provisions of that section shall apply accordingly.

(2) The parent of a defective or epileptic child shall not, by reason of any payment made under this Act in respect of the child be deprived of any franchise, right, or privilege, or be subject to any disability or disqualification.

(3) Payments under this Act shall not be made on condition of a child attending any certified school other than such as may be reasonably selected by the parent, nor refused because the child attends or does not attend any particular certified school.

Contribution by guardians of the poor.

9. The board of guardians of any poor law union may contribute such of the expenses of providing, enlarging, or maintaining any certified special class or school under this Act as are certified by the Education Department to have been incurred wholly or partly in respect of scholars taught at the class or school who are either resident in a workhouse or in an institution to which they have been sent by the guardians from a workhouse or boarded out by the guardians.

Limitation on liability of school authority.

10. Nothing in this Act shall be construed as imposing a duty on a school authority to receive in a special class or school established by them any child—

(*a*) who is resident in, or whose permanent home in their opinion is in, the district of another school authority ; or

(*b*) who is resident in a workhouse, or in any institution to which he has been sent by the guardians, from a workhouse, or boarded out by the guardians,

unless that other school authority or, as the case may be, the guardians are willing to contribute towards the expenses of the education and maintenance of the child such sum as may be agreed on between the authorities concerned.

Period of education for defective and epileptic children.

11. For the purposes of the Elementary Education Acts, 1870 to 1893, and of this Act, a defective or epileptic boy or girl shall be deemed to be a child until the age of sixteen years, and the period of compulsory education shall, in the case of such a child, extend to sixteen years, and the attendance of such a child at school may be enforced as if

it were required by bye-laws made under the Elementary Education Acts, 1870 to 1893, and any such child shall not, in accordance with such bye-laws, be entitled to total or partial exemption from the obligation to attend school.

Religious instruction.

12. The provisions regulating religious instruction in certified schools for defective and epileptic children shall be the same as those enacted by section eight of the Elementary Education (Blind and Deaf Children) Act, 1893.

56 & 57 Vict. c. 42.

Report to Parliament.

13. Every school authority shall make to the Education Department such returns as the Department may require; and the Department shall annually lay before both Houses of Parliament a report of their proceedings under this Act during the preceding year, and in that report shall give lists of the schools and classes to which they have granted or refused certificates under this Act during the year, with their reasons for each such refusal.

Interpretation of terms.

14. In this Act—

The expression "school" includes any institution in which defective or epileptic children are boarded or lodged as well as taught, and any establishment for boarding or lodging children taught in a certified special class or school:

Other expressions have, unless the contrary intention appears, the same meaning as in the Elementary Education (Blind and Deaf Children) Act, 1893.

ELEMENTARY EDUCATION ACT, 1900.

A.D. 1900.

63 & 64 Vict. Chapter 53.

Power of guardians to contribute to expenses of public elementary school.

2. The board of guardians of any poor law union may contribute towards such of the expenses of providing, enlarging, or maintaining, any public elementary school as are certified by the Board of Education to have been incurred wholly or partly in respect of scholars taught at the school, who are either resident in a workhouse or in an institution to which they have been sent by the guardians from a workhouse, or boarded out by the guardians.

Expenses of children in industrial schools.

4.—(2) Where any such local authority have contributed to the support of a child in an industrial school they may contribute to the ultimate disposal of the child.

Accounts relating to joint industrial schools.

5. Where two or more school boards combine for the establishment of a joint industrial school under a joint body of managers, the enactments relating to the audit of school board accounts shall apply as if the joint body of managers were a school board.

Bye-laws for compulsory attendance.

6.*—(1) In section seventy-four of the Elementary Education Act, 1870 (which relate to bye-laws for the attendance of children at school), fourteen years shall be substituted for thirteen years.

(2) The maximum penalty for the breach of a bye-law requiring the attendance of a child at an elementary school, or of an attendance order made under the Elementary Education Act, 1876, shall be twenty shillings, and accordingly twenty shillings shall be substituted for five shillings in section seventy-four of the Elementary Education Act, 1870, and in section twelve of the Elementary Education Act, 1876.

33 & 34 Vict. c. 75.

(3) The said section seventy-four shall have effect as if the sanction therein referred to were the sanction of the Board of Education instead of the sanction of Her Majesty in Council.

A.D. 1902.

EDUCATION ACT, 1902.

2 Edw. 7. Chapter 42.

PART I.

LOCAL EDUCATION AUTHORITY.

Local education authorities.

1. For the purposes of this Act the council of every county and of every county borough shall be the local education authority:

Provided that the council of a borough with a population of over ten thousand, or of an urban district with a population of over twenty thousand, shall, as respects that borough or district, be the local education authority for the purpose of Part III. of this Act, and for that purpose as respects that borough or district, the expression "local education authority" means the council of that borough or district.

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* As amended by 1918, *see* 1918 sec. 8 (2).

PART II.

HIGHER EDUCATION.

Power to aid higher education.

2.*—(1) The local education authority shall consider the educational needs of their area and take such steps as seem to them desirable, after consultation with the Board of Education, to supply or aid the supply of education other than elementary, and to promote the general co-ordination of all forms of education, and for that purpose shall apply all or so much as they deem necessary of the residue under section one of the Local Taxation (Customs and Excise) Act, 1890, and shall carry forward for the like purpose any balance thereof which may remain unexpended, and may spend such further sums as they think fit.

53 & 54 Vict. c. 60.

(2) A council, in exercising their powers under this Part of this Act, shall have regard to any existing supply of efficient schools or colleges, and to any steps already taken for the purposes of higher education under the Technical Instruction Acts, 1889 and 1891.

52 & 53 Vict. c. 76. 54 & 55 Vict. c. 4.

Concurrent powers of smaller boroughs and urban districts.

3. The council of any non-county borough or urban district shall have power as well as the county council to spend such sums as they think fit for the purpose of supplying or aiding the supply of education other than elementary: Provided that the amount raised by the council of a non-county borough or urban district for the purpose in any year out of rates under this Act shall not exceed the amount which would be produced by a rate of one penny in the pound.

Religious instruction.

4.—(1) A council, in the application of money under this Part of this Act, shall not require that any particular form of religious instruction or worship or any religious catechism or formulary which is distinctive of any particular denomination shall or shall not be taught, used, or practised in any school, college, or hostel aided but not provided by the council, and no pupil shall, on the ground of religious belief, be excluded from or placed in an inferior position in any school, college, or hostel provided by the council, and no catechism or formulary distinctive of any particular religious denomination shall be taught in any school, college, or hostel so provided, except in cases where the council, at the request of parents of scholars, at such times and under

* As amended by 1918.

such conditions as the council think desirable, allow any religious instruction to be given in the school, college, or hostel, otherwise than at the cost of the council: Provided that in the exercise of this power no unfair preference shall be shown to any religious denomination.

(2) In a school or college receiving a grant from, or maintained by, a council under this Part of this Act.

(*a*) A scholar attending as a day or evening scholar shall not be required, as a condition of being admitted into or remaining in the school or college, to attend or abstain from attending any Sunday school, place of religious worship, religious observance, or instruction in religious subjects in the school or college or elsewhere; and

(*b*) The times for religious worship or for any lesson on a religious subject shall be conveniently arranged for the purpose of allowing the withdrawal of any such scholar therefrom.

Part III.

Elementary Education.

Powers and duties as to elementary education.

5. The local education authority shall throughout their area have the powers and duties of a school board and school attendance committee under the Elementary Education Acts, 1870 to 1900, and any other Acts, including local Acts, and shall also be responsible for and have the control of all secular instruction in public elementary schools not provided by them, and school boards and school attendance committees shall be abolished.

Management of schools.

6.—(1) All public elementary schools provided by the local education authority shall, where the local education authority are the council of a county, have a body of managers consisting of a number of managers not exceeding four appointed by that council, together with a number not exceeding two appointed by the minor local authority.

Where the local education authority are the council of a borough or urban district they may, if they think fit, appoint for any school provided by them a body of managers consisting of such number of managers as they may determine.

(2) All public elementary schools not provided by the local education authority shall, in place of the existing managers, have a body of managers consisting of a number

of foundation managers not exceeding four appointed as provided by this Act, together with a number of managers not exceeding two appointed—

(*a*) where the local education authority are the council of a county, one by that council and one by the minor local authority ; and

(*b*) where the local education authority are the council of a borough or urban district, both by that authority.

(3) Notwithstanding anything in this section—

(*a*) Schools may be grouped under one body of managers in manner provided by this Act ; and

(*b*) Where the local education authority consider that the circumstances of any school require a larger body of managers than that provided under this section, that authority may increase the total number of managers, so, however, that the number of each class of managers is proportionately increased.

Maintenance of schools.

7.*—(1) The local education authority shall maintain and keep efficient all public elementary schools within their area which are necessary, and have the control of all expenditure required for that purpose, other than expenditure for which, under this Act, provision is to be made by the managers ; but, in the case of a school not provided by them, only so long as the following conditions and provisions are complied with :—

(*a*) The managers of the school shall carry out any directions of the local education authority as to the secular instruction to be given in the school, including any directions with respect to the number and educational qualifications of the teachers to be employed for such instruction, and for the dismissal of any teacher on educational grounds, and if the managers fail to carry out any such direction the local education authority shall, in addition to their other powers, have the power themselves to carry out the direction in question as if they were the managers ; but no direction given under this provision shall be such as to interfere with reasonable facilities for religious instruction during school hours ;

(*b*) The local education authority shall have power to inspect the school ;

* As amended by 1918.

(*c*) The consent of the local education authority shall be required to the appointment of teachers, but that consent shall not be withheld except on educational grounds ; and the consent of the authority shall also be required to the dismissal of a teacher unless the dismissal be on grounds connected with the giving of religious instruction in the school ;

(*d*) The managers of the school shall provide the schoolhouse free of any charge, except for the teacher's dwelling-house (if any), to the local education authority for use as a public elementary school, and shall, out of funds provided by them, keep the schoolhouse in good repair, and make such alterations and improvements in the buildings as may be reasonably required by the local education authority : Provided that such damage as the local authority consider to be due to fair wear and tear in the use of any room in the schoolhouse for the purpose of a public elementary school shall be made good by the local education authority.

(*e*) The managers of the school shall, if the local education authority have no suitable accommodation in schools provided by them, allow that authority to use any room in the schoolhouse out of school hours free of charge for any educational purpose, but this obligation shall not extend to more than three days in the week.

(2) The managers of a school maintained but not provided by the local education authority, in respect of the use by them of the school furniture out of school hours, and the local education authority in respect of the use by them of any room in the schoolhouse out of school hours, shall be liable to make good any damage caused to the furniture or the room, as the case may be, by reason of that use (other than damage arising from fair wear and tear), and the managers shall take care that, after the use of a room in the schoolhouse by them, the room is left in a proper condition for school purposes.

(3) If any question arises under this section between the local education authority and the managers of a school not provided by the authority, that question shall be determined by the Board of Education.

(4) One of the conditions required to be fulfilled by an elementary school in order to obtain a parliamentary grant

shall be that it is maintained under and complies with the provisions of this section.

(5) In public elementary schools maintained but not provided by the local education authority, assistant teachers and pupil teachers may be appointed, if it is thought fit, without reference to religious creed and denomination.

(6) Religious instruction given in a public elementary school not provided by the local education authority shall, as regards its character, be in accordance with the provisions (if any) of the trust deed relating thereto, and shall be under the control of the managers: Provided that nothing in this subsection shall affect any provision in a trust deed for reference to the bishop or superior ecclesiastical or other denominational authority so far as such provision gives to the bishop or authority the power of deciding whether the character of the religious instruction is or is not in accordance with the provisions of the trust deed.

(7) The managers of a school maintained but not provided by the local education authority shall have all powers of management required for the purpose of carrying out this Act, and shall (subject to the powers of the local education authority under this section) have the exclusive power of appointing and dismissing teachers.

Provision of new schools.

8.—(1) Where the local education authority or any other persons propose to provide a new public elementary school, they shall give public notice of their intention to do so, and the managers of any existing school, or the local education authority (where they are not themselves the persons proposing to provide the school), or any ten ratepayers in the area for which it is proposed to provide the school, may within three months after the notice is given, appeal to the Board of Education on the ground that the proposed school is not required, or that a school provided by the local education authority, or not so provided, as the case may be, is better suited to meet the wants of the district than the school proposed to be provided, and any school built in contravention of the decision of the Board of Education on such appeal shall be treated as unnecessary.

(2) If, in the opinion of the Board of Education, any enlargement of a public elementary school is such as to amount to the provision of a new school, that enlargement shall be so treated for the purposes of this section.

(3) Any transfer of a public elementary school to or from

a local education authority shall for the purposes of this section be treated as the provision of a new school.

Necessity of schools.

9. The Board of Education shall, without unnecessary delay, determine, in case of dispute, whether a school is necessary or not, and, in so determining, and also in deciding on any appeal as to the provision of a new school, shall have regard to the interest of secular instruction, to the wishes of parents as to the education of their children, and to the economy of the rates; but a school for the time being recognised as a public elementary school shall not be considered unnecessary in which the number of scholars in average attendance, as computed by the Board of Education, is not less than thirty.

Foundation managers.

11.—(1) The foundation managers of a school shall be managers appointed under the provisions of the trust deed of the school, but if it is shown to the satisfaction of the Board of Education that the provisions of the trust deed as to the appointment of managers are in any respect inconsistent with the provisions of this Act, or insufficient or inapplicable for the purpose, or that there is no such trust deed available, the Board of Education shall make an order under this section for the purpose of meeting the case.

(2) Any such order may be made on the application of the existing owners, trustees, or managers of the school, made within a period of three months after the passing of this Act, and after that period on the application of the local education authority or any other person interested in the management of the school, and any such order, where it modifies the trust deed, shall have effect as part of the trust deed, and where there is no trust deed shall have effect as if it were contained in a trust deed.

(3) Notice of any such application, together with a copy of the draft final order proposed to be made thereon, shall be given by the Board of Education to the local education authority and the existing owners, trustees, and managers, and any other persons who appear to the Board of Education to be interested, and the final order shall not be made until six weeks after notice has been so given.

(4) In making an order under this section with regard to any school, the Board of Education shall have regard to the ownership of the school building, and to the principles on which the education given in the school has been conducted in the past.

(5) The Board of Education may, if they think that the circumstances of the case require it, make any interim order on any application under this section to have temporary effect until the final order is made.

(6) The body of managers appointed under this Act for a public elementary school not provided by the local education authority shall be the managers of that school both for the purposes of the Elementary Education Acts, 1870 to 1900, and this Act, and, so far as respects the management of the school as a public elementary school, for the purpose of the trust deed.

(7) Where the receipt by a school, or the trustees or managers of a school, of any endowment or other benefit is, at the time of the passing of this Act, dependent on any qualification of the managers, the qualification of the foundation managers only shall, in case of question, be regarded.

(8) The Board of Education may, on the application of the managers of the school, the local education authority, or any person appearing to them to be interested in the school, revoke, vary, or amend any order made under this section by an order made in a similar manner; but before making any such order the draft thereof shall, as soon as may be, be laid before each House of Parliament, and, if within thirty days, being days on which Parliament has sat, after the draft has been so laid before Parliament, either House resolves that the draft, or any part thereof, shall not be proceeded with, no further proceedings shall be taken thereon, without prejudice to the making of any new draft order.

Grouping of schools under one management.

12.—(1) The local education authority may group under one body of managers any public elementary schools provided by them, and may also, with the consent of the managers of the schools, group under one body of managers any such schools not so provided.

(2) The body of managers of grouped schools shall consist of such number and be appointed in such manner and proportion as, in the case of schools provided by the local education authority, may be determined by that authority, and in the case of schools not so provided, may be agreed upon between the bodies of managers of the schools concerned and the local education authority, or in default of agreement may be determined by the Board of Education.

(3) Where the local education authority are the council of a county, they shall make provision for the due representation of minor local authorities on the bodies of managers of schools grouped under their direction.

(4) Any arrangement for grouping schools not provided by the local education authority shall, unless previously determined by consent of the parties concerned, remain in force for a period of three years.

Endowments.

13.—(1) Nothing in this Act shall affect any endowment, or the discretion of any trustees in respect thereof: Provided that, where under the trusts or other provisions affecting any endowment the income thereof must be applied in whole or in part for those purposes of a public elementary school for which provision is to be made by the local education authority, the whole of the income or the part thereof, as the case may be, shall be paid to that authority, and, in case part only of such income must be so applied and there is no provision under the said trusts or provisions for determining the amount which represents that part, that amount shall be determined, in case of difference between the parties concerned, by the Board of Education; but if a public inquiry is demanded by the local education authority, the decision of the Board of Education shall not be given until after such an inquiry, of which ten days' previous notice shall be given to the local education authority and to the minor local authority and to the trustees, shall have been first held by the Board of Education at the cost of the local education authority.

(2) Any money arising from an endowment, and paid to a county council for those purposes of a public elementary school for which provision is to be made by the council, shall be credited by the council in aid of the rate levied for the purposes of this Part of this Act in the parish or parishes which in the opinion of the council are served by the school for the purposes of which the sum is paid, or, if the council so direct, shall be paid to the overseers of the parish or parishes in the proportions directed by the council, and applied by the overseers in aid of the poor rate levied in the parish.

Schools attached to institutions.

15. The local education authority may maintain as a public elementary school under the provisions of this Act, but shall not be required so to maintain, any Marine school, or any school which is part of, or is held in the premises of,

any institution in which children are boarded, but their refusal to maintain such a school shall not render the school incapable of receiving a parliamentary grant, nor shall the school, if not so maintained, be subject to the provisions of this Act as to the appointment of managers, or as to control by the local education authority.

Power to enforce duties under Elementary Education Acts. 33 & 34 Vict. c. 75.

16. If the local education authority fail to fulfil any of their duties under the Elementary Education Acts, 1870 to 1900, or this Act, or fail to provide such additional public school accommodation within the meaning of the Elementary Education Act, 1870, as is, in the opinion of the Board of Education, necessary in any part of their area, the Board of Education may, after holding a public inquiry, make such order as they think necessary or proper for the purpose of compelling the authority to fulfil their duty, and any such order may be enforced by mandamus.

PART IV.

GENERAL.

Education Committees.

17.—(1) Any council having powers under this Act shall establish an education committee or education committees, constituted in accordance with a scheme made by the council and approved by the Board of Education: Provided that if a council having powers under Part II. only of this Act determine that an education committee is unnecessary in their case, it shall not be obligatory on them to establish such a committee.

(2) All matters relating to the exercise by the council of their powers under this Act, except the power of raising a rate or borrowing money, shall stand referred to the education committee, and the council, before exercising any such powers, shall, unless in their opinion the matter is urgent, receive and consider the report of the education committee with respect to the matter in question. The council may also delegate to the education committee, with or without any restrictions or conditions as they think fit, any of their powers under this Act, except the power of raising a rate or borrowing money.

(3) Every such scheme shall provide—

(*a*) for the appointment by the council of at least a majority of the committee, and the persons so appointed shall be persons who are members of the

council, unless, in the case of a county, the council shall otherwise determine ;

(*b*) for the appointment by the council, on the nomination or recommendation, where it appears desirable, of other bodies (including associations of voluntary schools), of persons of experience in education, and of persons acquainted with the needs of the various kinds of schools in the area for which the council acts ;

(*c*) for the inclusion of women as well as men among the members of the committee ;

(*d*) for the appointment, if desirable, of members of school boards existing at the time of the passing of this Act as members of the first committee.

(4) Any person shall be disqualified for being a member of an education committee, who, by reason of holding an office or place of profit, or having any share or interest in a contract or employment, is disqualified for being a member of the council appointing the education committee, but no such disqualification shall apply to a person by reason only of his holding office in a school or college aided, provided, or maintained by the council.

(5) Any such scheme may, for all or any purposes of this Act, provide for the constitution of a separate education committee for any area within a county, or for a joint education committee for any area formed by a combination of counties, boroughs, or urban districts, or of parts thereof. In the case of any such joint committee, it shall suffice that a majority of the members are appointed by the councils of any of the counties, boroughs, or districts out of which or parts of which the area is formed.

(6) Before approving a scheme, the Board of Education shall take such measures as may appear expedient for the purpose of giving publicity to the provisions of the proposed scheme, and, before approving any scheme which provides for the appointment of more than one education committee, shall satisfy themselves that due regard is paid to the importance of the general co-ordination of all forms of education.

(8) Any scheme for establishing an education committee of the council of any county or county borough in Wales or of the county of Monmouth or county borough of Newport shall provide that the county governing body constituted under the Welsh Intermediate Education Act, 1889, for

52 & 53 Vict. c. 40.

any such county or county borough shall cease to exist, and shall make such provision as appears necessary or expedient for the transfer of the powers, duties, property, and liabilities of any such body to the local education authority under this Act, and for making the provisions of this section applicable to the exercise by the local education authority of the powers so transferred.

Expenses.

18.*—(1) The expenses of a council under this Act shall, so far as not otherwise provided for, be paid, in the case of the council of a county out of the county fund, and in the case of the council of a borough out of the borough fund or rate, or, if no borough rate is levied, out of a separate rate to be made, assessed, and levied in like manner as the borough rate, and in the case of the council of an urban district other than a borough in manner provided by section thirty-three of the Elementary Education Act, 1876, as respects the expenses mentioned in that section: Provided that—

39 & 40 Vict. c. 79.

(*a*) the county council may, if they think fit (after giving reasonable notice to the overseers of the parish or parishes concerned), charge any expenses incurred by them under this Act with respect to education other than elementary on any parish or parishes which, in the opinion of the council, are served by the school or college in connection with which the expenses have been incurred; and

(*b*) the county council shall not raise any sum on account of their expenses under Part III. of this Act within any borough or urban district the council of which is the local education authority for the purposes of that Part; and

(*c*) the county council may charge such portion as they think fit, not being more than three-fourths, of any expenses incurred by them in respect of capital expenditure or rent on account of the provision or improvement of any public elementary school on the parish or parishes which, in the opinion of the council, are served by the school; and

(*d*) the county council may raise such portion as they think fit, not being more than three-fourths, of any expenses incurred to meet the liabilities on account

* As amended by 1918.

of loans or rent of any school board transferred to them, exclusively within the area which formed the school district in respect of which the liability was incurred, so far as it is within their area.

(2) All receipts in respect of any school maintained by a local education authority, including any parliamentary grant, but excluding sums specially applicable for purposes for which provision is to be made by the managers, shall be paid to that authority.

(3) Separate accounts shall be kept by the council of a borough of their receipts and expenditure under this Act, and those accounts shall be made up and audited in like manner and subject to the same provisions as the accounts of a county council, and the enactments relating to the audit of those accounts and to all matters incidental thereto and consequential thereon, including the penal provisions, shall apply in lieu of the provisions of the Municipal Corporations Act, 1882, relating to accounts and audit.

45 & 46 Vict. c. 50.

(4) Where under any local Act the expenses incurred in any borough for the purposes of the Elementary Education Acts, 1870 to 1900, are payable out of some fund or rate other than the borough fund or rate, the expenses of the council of that borough under this Act shall be payable out of that fund or rate instead of out of the borough fund or rate.

(5) Where any receipts or payments of money under this Act are entrusted by the local education authority to any education committee established under this Act, or to the managers of any public elementary school, the accounts of those receipts and payments shall be accounts of the local education authority, but the auditor of those accounts shall have the same powers with respect to managers as he would have if the managers were officers of the local education authority.

Borrowing.

19.—(1) A council may borrow for the purposes of the Elementary Education Acts, 1870 to 1900, or this Act, in the case of a county council as for the purposes of the Local Government Act, 1888, and in the case of the council of a county borough, borough, or urban district as for the purposes of the Public Health Acts, but the money borrowed by a county borough, borough, or urban district council shall be borrowed on the security of the fund or rate out of which the expenses of the council under this Act are payable.

51 & 52 Vict. c. 41.

(2) Money borrowed under this Act shall not be reckoned as part of the total debt of a county for the purposes of section sixty-nine of the Local Government Act, 1888, or as part of the debt of a county borough, borough, or urban district for the purpose of the limitation on borrowing under subsections two and three of section two hundred and thirty-four of the Public Health Act, 1875. 38 & 39 Vict. c. 55.

Arrangements between councils.

20. An authority having powers under this Act—

(*a*) may make arrangements with the council of any county, borough, district, or parish, whether a local education authority or not, for the exercise by the council, on such terms and subject to such conditions as may be agreed on, of any powers of the authority in respect of the management of any school or college within the area of the council; and

(*b*) if the authority is the council of a non-county borough or urban district may, at any time after the passing of this Act, by agreement with the council of the county, and with the approval of the Board of Education, relinquish in favour of the council of the county any of their powers and duties under this Act, and in that case the powers and duties of the authority so relinquished shall cease, and the area of the authority, if the powers and duties relinquished include powers as to elementary education, shall, as respects those powers, be part of the area of the county council.

Provisional orders and schemes. 38 & 39 Vict. c. 55.

21.*—(1) Sections two hundred and ninety-seven and two hundred and ninety-eight of the Public Health Act, 1875 (which relate to provisional orders), shall apply to any provisional order made under this Act as if it were made under that Act, but references to a local authority shall be construed as references to the authority to whom the order relates, and references to the Local Government Board shall be construed as references to the Board of Education.

(2) Any scheme under this Act may contain such incidental or consequential provisions as may appear necessary or expedient.

(3) A scheme under this Act when approved shall have effect as if enacted in this Act, and any such scheme may

* As amended by 1907.

be revoked or altered by a scheme made in like manner and having the same effect as an original scheme.

Provision as to elementary and higher education powers respectively.

22.—(1) In this Act and in the Elementary Education Acts the expression " elementary school " shall not include any school carried on as an evening school under the regulations of the Board of Education.

(2) The power to provide instruction under the Elementary Education Acts, 1870 to 1900, shall, except where those Acts expressly provide to the contrary, be limited to the provision in a public elementary school of instruction given under the regulations of the Board of Education to scholars who, at the close of the school year, will not be more than sixteen years of age: Provided that the local education authority may, with the consent of the Board of Education, extend those limits in the case of any such school if no suitable higher education is available within a reasonable distance of the school.

(3) The power to supply or aid the supply of education other than elementary includes a power to train teachers, and to supply or aid the supply of any education except where that education is given at a public elementary school.

Miscellaneous provisions.

23.*—(1) The powers of a council under this Act shall include the provision of vehicles or the payment of reasonable travelling expenses for teachers or children attending school or college whenever the council shall consider such provision or payment required by the circumstances of their area or of any part thereof.

(2) The power of a council to supply or aid the supply of education, other than elementary, shall include power to make provision for the purpose outside their area in cases where they consider it expedient to do so in the interests of their area, and shall include power to provide or assist in providing scholarships for, and to pay or assist in paying the fees of, students at schools or colleges or hostels within or without that area.

(3) The county councillors elected for an electoral division consisting wholly of a borough or urban district whose council are a local education authority for the purpose of Part III. of this Act, or of some part of such a borough or district, shall not vote in respect of any question arising

* As amended by 1907.

before the county council which relates only to matters under Part III. of this Act.

(4) The amount which would be produced by any rate in the pound shall be estimated for the purposes of this Act in accordance with regulations made by the Local Government Board.

(6) A woman is not disqualified, either by sex or marriage, for being on any body of managers or education committee under this Act.

(7) Teachers in a school maintained but not provided by the local education authority shall be in the same position as respects disqualification for office as members of the authority as teachers in a school provided by the authority.

(8) Population for the purposes of this Act shall be calculated according to the census of nineteen hundred and one.

(9) Subsections one and five of section eighty-seven of the Local Government Act, 1888 (which relate to local inquiries), shall apply with respect to any order, consent, sanction, or approval which the Local Government Board are authorised to make or give under this Act. 51 & 52 Vict. c. 41.

(10) The Board of Education may, if they think fit, hold a public inquiry for the purpose of the exercise of any of their powers or the performance of any of their duties under this Act, and section seventy-three of the Elementary Education Act, 1870, shall apply to any public inquiry so held or held under any other provision of this Act. 33 & 34 Vict. c. 75.

Interpretation.

24.—(1) Unless the context otherwise requires, any expression to which a special meaning is attached in the Elementary Education Acts, 1870 to 1900, shall have the same meaning in this Act.

(2) In this Act the expression "minor local authority" means, as respects any school, the council of any borough or urban district, or the parish council or (where there is no parish council) the parish meeting of any parish which appears to the county council to be served by the school. Where the school appears to the county council to serve the area of more than one minor local authority the county council shall make such provision as they think proper for joint appointment of managers by the authorities concerned.

(3) In this Act the expressions "powers," "duties," "property," and "liabilities" shall, unless the context otherwise requires, have the same meanings as in the Local Government Act, 1888. 51 & 52 Vict. c. 41.

(4) In this Act the expression " college " includes any educational institution, whether residential or not.

(5) In this Act, unless the context otherwise requires, the expression " trust deed " includes any instrument regulating the trusts or management of a school or college.

Provisions as to proceedings, transfer, etc., application of enactments and repeal.

25.—(1) The provisions set out in the First and Second Schedules to this Act relating to education committees and managers, and to the transfer of property and officers, and adjustment, shall have effect for the purpose of carrying the provisions of this Act into effect.

(2) In the application of the Elementary Education Acts, 1870 to 1900, and other provisions referred to in that schedule, the modifications specified in the Third Schedule to this Act shall have effect.

(3) The enactments mentioned in the Fourth Schedule to this Act shall be repealed to the extent specified in the third column of that schedule.

Application of Act to Scilly Islands.

26. For the purposes of this Act the Council of the Isles of Scilly shall be the local education authority for the Scilly Islands, and the expenses of the council under this Act shall be general expenses of the Council.

Extent.

27.—(1) This Act shall not extend to Scotland or Ireland, or, except as expressly provided, to London.

SCHEDULES.

Section 25.

FIRST SCHEDULE.

PROVISION AS TO EDUCATION COMMITTEES AND MANAGERS.

A.—*Education Committees.*

(1) The council by whom an education committee is established may make regulations as to the quorum, proceedings, and place of meeting of that committee, but, subject to any such regulations, the quorum, proceedings, and place of meeting of the committee shall be such as the committee determine.

(2) The chairman of the education committee at any meeting of the committee shall, in case of an equal division of votes, have a second or casting vote.

(3) The proceedings of an education committee shall not be invalidated by any vacancy among its members or by any defect in the election, appointment, or qualification of any members thereof.

(4) Minutes of the proceedings of an education committee shall be kept in a book provided for that purpose, and a minute of those proceedings, signed at the same or next ensuing meeting by a person describing himself as, or appearing to be, chairman of the meeting of the committee at which the minute is signed, shall be received in evidence without further proof.

(5) Until the contrary is proved, an education committee shall be deemed to have been duly constituted and to have power to deal with any matters referred to in its minutes.

(6) An education committee may, subject to any directions of the council, appoint such and so many sub-committees, consisting either wholly or partly of members of the committee, as the committee thinks fit.

B.—*Managers.*

(1) A body of managers may choose their chairman, except in cases where there is an ex-officio chairman, and regulate their quorum and proceedings in such manner as they think fit, subject, in the case of the managers of a school provided by the local education authority, to any directions of that authority.

Provided that the quorum shall not be less than three, or one-third of the whole number of managers, whichever is the greater.

(2) Every question at a meeting of a body of managers shall be determined by a majority of the votes of the managers present and voting on the question, and in case of an equal division of votes the chairman of the meeting shall have a second or casting vote.

(3) The proceedings of a body of managers shall not be invalidated by any vacancy in their number, or by any defect in the election, appointment, or qualification of any manager.

(4) The body of managers of a school provided by the local education authority shall deal with such matters relating to the management of the school, and subject to such conditions and restrictions, as the local education authority determine.

(5) A manager of a school not provided by the local education authority, appointed by that authority or by the minor local authority, shall be removable by the authority by whom he is appointed, and any such manager may resign his office.

(6) The body of managers shall hold a meeting at least once in every three months.

(7) Any two managers may convene a meeting of the body of managers.

(8) The minutes of the proceedings of every body of managers shall be kept in a book provided for that purpose.

(9) A minute of the proceedings of a body of managers, signed at the same or the next ensuing meeting by a person describing himself as, or appearing to be, chairman of the meeting at which the minute is signed, shall be received in evidence without further proof.

(10) The minutes of a body of managers shall be open to inspection by the local education authority.

(11) Until the contrary is proved, a body of managers shall be deemed to be duly constituted and to have power to deal with the matters referred to in their minutes.

Section 25.

THIRD SCHEDULE.*

Modification of Acts, etc.

(1) References to school boards and school districts shall be construed as references to local education authorities and the areas for which they act be construed as references to a parish.

(2) References to the school fund or local rate shall be construed as references to the fund or rate out of which the expenses of the local education authority are payable.

(3) In section thirty-eight of the Elementary Education Act, 1876, references to members of a school board shall be construed as references to members of the education committee, or of any sub-committee appointed by that committee for school attendance purposes.

(4) The power of making bye-laws shall (where the local education authority is a county council) include a power of making different bye-laws for different parts of the area of the authority.

(6) The words " in the opinion of the Board of Education " shall be substituted for the words " in their opinion " in the first paragraph of section eighteen of the Elementary Education Act, 1870.

33 & 34 Vict. c. 75.

(7) Section ninety-nine of the Elementary Education Act, 1870, shall apply to the fulfilment of any conditions, the performance of any duties, and the exercise of any powers under this Act as it applies to the fulfilment of conditions required in pursuance of that Act to be fulfilled in order to obtain a parliamentary grant.

(8) A reference to the Local Government Board shall be

* As amended by 1908 and 1918.

substituted for reference to the Education Department in section five of the Elementary Education (Blind and Deaf Children) Act, 1893. 56 & 57 Vict. c. 42.

(9) A reference to the provisions of this Act relating to the enforcement of the performance of the local education authority's duties by mandamus shall be substituted in section two of the Elementary Education Act, 1880, for the reference to section twenty-seven of the Elementary Education Act, 1876. 43 & 44 Vict. c. 23. 39 & 40 Vict. c. 79.

(10) The substitutions for school boards, school districts, school fund, and local rate made by this schedule shall, unless the context otherwise requires, be made in any enactment referring to or applying the Elementary Education Acts, 1870 to 1900, or any of them, so far as the reference or application extends.

(11) References in any enactment or in any provision of a scheme made under the Charitable Trusts Acts, 1853 to 1894, or the Endowed Schools Acts, 1869 to 1889, or the Elementary Education Acts, 1870 to 1900, to any provisions of the Technical Instruction Acts, 1889 and 1891, or either of those Acts shall, unless the context otherwise requires, be construed as references to the provisions of Part II. of this Act, and the provisions of this Act shall apply with respect to any school, college, or hostel established, and to any obligation incurred, under the Technical Instruction Acts, 1889 and 1891, as if the school, college, or hostel had been established or the obligation incurred under Part II. of this Act. 52 & 53 Vict. c. 76. 54 & 55 Vict. c. 4.

(12) The Local Government Board may, after consultation with the Board of Education, by order make such adaptations in the provisions of any local Act (including any Act to confirm a Provisional Order and any scheme under the Municipal Corporations Act, 1882, as amended by any subsequent Act) as may seem to them to be necessary to make those provisions conform with the provisions of this Act, and may also in like manner, on the application of any council who have power as to education under this Act and have also powers as to education under any local Act, make such modifications in the local Act as will enable the powers under that Act to be exercised as if they were powers under this Act. 45 & 46 Vict. c. 50.

Any order made under this provision shall operate as if enacted in this Act.

A.D. 1903.

EDUCATION (LONDON) ACT, 1903.

3 Edw. 7. Chapter 24.

Application of Education Act, 1902, to London.

1. The Education Act, 1902 (in this Act referred to as the principal Act), shall, so far as applicable, and subject to the provisions of this Act, apply to London.

Provisions as to management and sites of provided schools.

2.—(1) Every public elementary school provided by the local education authority within the area of any metropolitan borough shall have a body of managers. The number of those managers and the manner in which schools, in cases where it is desirable, should be grouped under one body of managers shall be determined by the council of each borough, after consultation with the local education authority, and subject to the approval of the Board of Education.

Two-thirds of every such body shall be appointed by the borough council and one-third by the local education authority; but due regard shall be had in selecting managers to the inclusion of women in the proportion of not less than one-third of the whole body of managers, and, in the case of the first body of managers, also of members chosen from the then existing bodies of managers, and the borough council and the local education authority shall carry out any directions given by the Board of Education for the purpose of giving effect to this provision.

(2) The site of any new public elementary school to be provided by the local education authority shall not be determined upon until after consultation with the council of the metropolitan borough in which the proposed site is situated, and in the case of compulsory purchase, if the council of the metropolitan borough does not concur in the proposed compulsory acquisition, the Board of Education shall not make the order authorising the purchase unless they are satisfied that the concurrence of the council of the borough should be dispensed with: Provided that, except in the case of compulsory acquisition, the site required for the enlargement of a public elementary school shall not be deemed to be a site required for a new public elementary school within the meaning of this subsection.

(3) Schools provided by the local education authority for blind, deaf, epileptic, and defective children, and any other

schools which, in the opinion of the Board of Education, are not of a local character, shall not be treated for the purposes of this section as public elementary schools.

Boundary schools.

3.—(1) As from the passing of this Act, any public elementary school provided by the London School Board before the passing of this Act, which is wholly or partly situated outside the county of London, shall, for the purposes of this Act, be treated as, and for the purposes of the principal Act be deemed to have been, wholly situated within the county of London and within the nearest metropolitan borough.

(2) Any public elementary school provided by the local education authority which is situated partly in one metropolitan borough and partly in another shall, for the purposes of this Act, be deemed to be situated in such one of those boroughs as the local education authority determine.

Modification of principal Act and interpretation.

4.—(1) The modifications of the principal Act set out in the First Schedule to this Act shall have effect for the purposes of this Act.

(2) The expression " metropolitan borough " in this Act shall include the City, and the expression " council of a metropolitan borough " shall include the mayor, aldermen, and commons of the city of London in common council assembled.

Commencement, repeal, and short title.

5.—(1) This Act shall, except as expressly provided, come into operation on the appointed day, and the appointed day shall be the first day of May nineteen hundred and four, or such other day, not being more than twelve months later, as the Board of Education may appoint, and different days may be appointed for different purposes and for different provisions of this Act.

(2) In addition to the repeals effected by the principal Act, the Acts mentioned in the Second Schedule to this Act shall be repealed to the extent specified in the third column of that Schedule.

(3) This Act may be cited as the Education (London) Act, 1903; and the Education Acts, 1870 to 1902, and this Act may be cited as the Education Acts, 1870 to 1903.

SCHEDULES.

Section 4.

FIRST SCHEDULE.*

MODIFICATIONS OF THE PRINCIPAL ACT.

1. References in the principal Act to the council of a borough shall not be construed as references to the council of a metropolitan borough, except—

(*a*) in paragraph (*a*) of section twenty (relating to arrangements between councils) and in subsection two of section twenty-four (relating to interpretation); and

(*b*) as respects the borough of Woolwich, so far as is necessary to enable the council of that borough to make any contribution which they are authorised to make under section nineteen of the London Government Act, 1899.

3. Subsection one of section six of the principal Act (relating to the management of schools), and so much of section twelve of that Act (relating to the grouping of schools under one management) as relates to public elementary schools provided by the local education authority, shall not apply.

4. The provisos to subsection one of section eighteen of the principal Act (relating to expenses), and subsection two of section thirteen of that Act (relating to endowments), shall not apply, but the Board of Education may, on the application of the Trustees of the endowment, or of the local education authority, direct that any money which would be payable under the said section thirteen to the county council shall be applied in manner provided by a scheme made by the Board if the Board consider that it is expedient to make such a scheme. In any such scheme, due regard shall primarily be had to the interests of the locality for which the benefits of the endowment were intended.

5. The words " a county council " in section nineteen of the principal Act (which relates to borrowing) shall, as respects borrowing by the local education authority, be construed as if they were " the London County Council."

6. Section twenty-seven of the principal Act (relating to extent, commencement, and short title) shall not apply except so far as subsection three of that section is already applicable to London, and the words " the appointed day " shall be substituted for " the twenty-sixth day of March nineteen hundred and four " in that subsection.

* As amended by 1918.

8. The Treasury shall be substituted for the Local Government Board in paragraph six of the Second Schedule to the principal Act.

9. Where governors or managers are appointed by the local education authority on the governing body of any institution aided by grant from the local education authority, the provisions of the scheme or trust deed of the institution imposing any limit on the number of the members of the governing body, or requiring any qualification for those members, shall not apply as respects such governors or managers.

10. References in the principal Act to the passing of that Act shall be construed as references to the passing of this Act.

11. A manager of a public elementary school provided by the local education authority shall not be appointed for a longer period than three years, but may be re-appointed.

EDUCATION (LOCAL AUTHORITY DEFAULT) ACT, 1904.

A.D. 1904.

4 Edw. 7. Chapter 18.

Powers of Board of Education on default of local education authority.

1.—(1) The Board of Education, without prejudice to their right to take any other proceedings, may, if they are satisfied that it is expedient to do so on account of any default of a local authority in the performance of their duties as respects any elementary school—

(*a*) make orders for recognising as managers of that school any persons who are acting as managers thereof, and for rendering valid any act, thing, payment, or grant which in the opinion of the Board might otherwise be invalid by reason of the default of the authority, and every such order shall have effect accordingly; and

(*b*) if it appears to the Board that the managers of that school have, for the purpose of maintaining and keeping efficient the school, incurred any expenses for which provision should have been made by the local education authority, pay to the managers such amount in respect of these expenses as in the opinion of the Board was properly incurred.

(2) Any sums paid by the Board of Education under this Act shall be a debt due to the Crown from the local education

authority, and, without prejudice to any other remedy, may be deducted from any sums payable to that authority on account of parliamentary grants.

(3) Any order or payment may be made under this Act as respects matters occurring whether before or after the passing thereof.

A.D. 1906.

EDUCATION (PROVISION OF MEALS) ACT, 1906.

6 Edw. 7. Chapter 57.

Power of local education authority to aid school canteen committees in the provision of meals for children. 2 Edw. 7. c. 42.

1. A local education authority under Part III. of the Education Act, 1902, may take such steps as they think fit for the provision of meals for children in attendance at any public elementary school in their area, and for that purpose—

(*a*) may associate with themselves any committee on which the authority are represented, who will undertake to provide food for those children (in this Act called "school canteen committee"); and

(*b*) may aid that committee by furnishing such land, buildings, furniture, and apparatus, and such officers and servants as may be necessary for the organisation, preparation, and service of such meals;

but, save as hereinafter provided, the authority shall not incur any expense in respect of the purchase of food to be supplied at such meals.

Recovery of the cost of meals.

2.—(1) There shall be charged to the parent of every child in respect of every meal furnished to that child under this Act such an amount as may be determined by the local education authority, and, in the event of payment not being made by the parent, it shall be the duty of the authority, unless they are satisfied that the parent is unable by reason of circumstances other than his own default to pay the amount, to require the payment of that amount from that parent, and any such amount may be recovered summarily as a civil debt.

(2) The local education authority shall pay over to the school canteen committee so much of any money paid to them by, or recovered from, any parent as may be determined by the authority to represent the cost of the food

furnished by the committee to the child of that parent, less a reasonable deduction in respect of the expenses of recovering the same.

Power of local education authority to defray the cost of food in certain cases.

3.* Where the local education authority resolve that any of the children attending an elementary school within their area are unable by reason of lack of food to take full advantage of the education provided for them, and have ascertained that funds other than public funds are not available or are insufficient in amount to defray the cost of food furnished in meals under this Act, they may spend out of the rates such sum as will meet the cost of the provision of such food.

Provisions as to disfranchisement.

4. The provision of any meal under this Act to a child and the failure on the part of the parent to pay any amount demanded under this Act in respect of a meal shall not deprive the parent of any franchise, right, or privilege, or subject him to any disability.

Application of Education Acts.

5.—(1) The powers of a local education authority under this Act shall be deemed to be powers of that authority under the Education Acts, 1870 to 1903, and the provisions of those Acts as to the manner in which the expenses of a local education authority are to be charged and defrayed, and as to borrowing, and as to the manner in which the amount which would be produced by any rate in the pound is to be estimated, shall apply to expenses incurred and money borrowed under this Act, and to the estimate of the produce of any rate in the pound for the purposes of this Act.

(2) Any expression to which a special meaning is attached in the Education Acts, 1870 to 1903, shall have the same meaning in this Act, except that for the purposes of this Act the expression " child " shall, notwithstanding anything in section forty-eight of the Elementary Education Act, 1876, include any child in attendance at a public elementary school.

39 & 40 Vict. c. 79.

Provision as to teachers.

6. No teacher seeking employment or employed in a public elementary school shall be required as part of his duties to supervise or assist, or to abstain from supervising or assisting, in the provision of meals, or in the collection of the cost thereof.

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* As amended by 1914 A.

EDUCATION (ADMINISTRATIVE PROVISIONS) ACT, 1907.

A.D. 1907.

7 Edw. 7. Chapter 43.

Purchase and appropriation of land.

2 Edw. 7. c. 42.

1.—(1) A local education authority shall have the same power, exercisable in the same manner, and subject to the same provisions, for the purchase of land either compulsorily or by agreement for the purposes of Part II. of the Education Act, 1902, as they have under the Education Acts for the purposes of Part III. of that Act, but the powers given by this section shall be in addition to and not in derogation of any other powers for the purpose possessed by the authority.

(2) A local education authority may—

(i) appropriate with the consent of the Board of Education, for the purpose of Part II. of the Education Act, 1902, any land acquired by them for the purposes of Part III. of the Education Act, 1902, or taken over by them under that Act as successors of a school board; and

(ii) appropriate, with the consent of the Board of Education, for the purposes of Part III. of the Education Act, 1902, any land acquired by them for the purpose of Part II. of the Education Act, 1902, either under that Act, or for similar purposes under any Act repealed by that Act; and

(iii) appropriate, with the consent of and after inquiry by the Local Government Board, for any of the purposes of the Education Acts, any land acquired by them otherwise than in their capacity as local education authority:

(3) The council of a non-county borough or urban district may appropriate, with the consent of and after inquiry by the Local Government Board, for the purpose of their power to supply or aid the supply of education other than elementary, any land acquired by them under any other power.

(4) The appropriation of land by a local education authority or a council under this section shall be subject in any case to any special covenants or agreements affecting the use of the land in their hands.

(5) Where the capital expenditure in connection with any land appropriated under this section or any loan for the

purpose of repaying that expenditure or any part of that expenditure or loan has been, or is charged on, or raised within, any special part of the area of the local education authority or council, and the Board of Education or, in the case of land appropriated under this section and not acquired for any of the purposes of the Education Acts, the Local Government Board are of opinion that the use of the land for the purposes for which it is appropriated will alter the area benefited by the expenditure, the Board of Education, or the Local Government Board, as the case requires, shall order such equitable adjustment in respect thereof to be made as they think right under the circumstances, and the local education authority or council shall comply with any order so made.

(6) A council shall have power, with the consent of and after inquiry by the Board of Education, to alienate any land acquired or held by them for the purposes of education other than elementary under Part II. of the Education Act, 1902, and, in the case of the sale of any such land, the proceeds of sale shall be applied in such manner as the Local Government Board sanction, towards the discharge of any loan of the council under the Education Acts, or otherwise for any purpose for which capital may be applied by the council under those Acts.

Substitution, in certain cases, of consent of Board of Education for consent of Home Secretary. 4 & 5 Vict. c. 38. 18 & 19 Vict. c. 131.

2. The consent of the Board of Education shall be substituted for the consent of the Secretary of State for the Home Department in cases where the consent of the said Secretary of State is required under section fourteen of the School Sites Act, 1841, and section one of the School Grants Act, 1855 (which relate to sales, exchange, or mortgages of school premises).

Extension of period for repayment of money borrowed by county council. 51 & 52 Vict. c. 41.

3. In the application of section sixty-nine of the Local Government Act, 1888, to money borrowed after the passing of this Act under the Education Acts by the council of a county, a period not exceeding sixty years shall be substituted for a period not exceeding thirty years as the maximum period within which borrowed money is to be repaid, and any money re-borrowed for the purpose of discharging a loan raised for the purposes of the Education Acts may, if the Local Government Board approve, and subject to such conditions as they impose, be repaid within such period, not exceeding sixty years from the date of the original loan, as the Local Government Board fix.

Decision of questions as to capital expenditure.

5. If the Local Government Board by order declare that expenses incurred for particular purposes specified in the order may or may not be properly treated under section eighteen of the Education Act, 1902, as expenses incurred in respect of capital expenditure, no question shall be raised on audit as to the treatment of expenses incurred for those particular purposes if they are treated in accordance with the order.

Audit of accounts of joint educational bodies. 33 & 34 Vict. c. 75.

6. Where any receipts or payments of money under the Education Acts are entrusted to any joint education committee established under section seventeen of the Education Act, 1902, or to any joint body established under section fifty-two of the Elementary Education Act, 1870, or otherwise established by two or more local authorities, the accounts of those receipts and payments shall, unless in any case the Local Government Board direct to the contrary, or any provisions to the contrary which have been approved by the Local Government Board are contained in the scheme or instrument establishing the committee or body, be audited as if the joint committee or body were a separate local education authority, and the enactments relating to the audit of the accounts of local education authorities (including the penal provisions of those enactments) shall apply accordingly.

Power to provide for apportionment of expenses in a scheme constituting a joint education committee.

7. A scheme providing for the constitution of a joint education committee under subsection (5) of section seventeen of the Education Act, 1902, may make provision for the proportions in which any expenditure on matters referred or delegated to that committee is to be borne as between the councils of the counties, boroughs, or urban districts, or parts thereof forming the area for which the joint committee is constituted.

Borrowing from Public Works Loan Commissioners.

8. The Public Works Loan Commissioners may lend to a local education authority any money which that authority are authorised to borrow for the purposes of Part II. of the Education Act, 1902.

Amendment of sec. 7 of 56 & 57 Vict. c. 42.

9. The condition that the annual expenses of the maintenance of a school not managed by a school authority are, to the extent of not less than one-third, to be defrayed out of sources other than local rates or moneys provided by Parliament, shall cease to be a condition required for the

grant of a certificate under section seven of the Elementary Education (Blind and Deaf Children) Act, 1893, to such a school as a school suitable for providing elementary education for blind or deaf children.

Decision of certain educational questions by Board of Education.

10. If any question arises whether any purpose for which a council wish to exercise any powers under the Education Acts is a purpose of Part II. of the Education Act, 1902, or of Part III. of that Act, that question shall be referred to and determined by the Board of Education, and their decision shall be conclusive on the matter.

Provisions with respect to scholarships, bursaries, etc.

11. The powers and duties of a local education authority under Part III. of the Education Act, 1902, shall include a power to aid by scholarships or bursaries the instruction in public elementary schools of scholars from the age of twelve up to the limit of age fixed for the provision of instruction in a public elementary school by subsection two of section twenty-two of that Act.

Higher education powers not confined to persons resident in area.

12. It is hereby declared that any power of a council under the Education Act, 1902, to supply or aid the supply of education other than elementary is not confined to the education of persons resident in their area and the words "ordinarily resident in the area of the council," in subsection (2) of section twenty-three of the Education Act, 1902, are hereby repealed.

Provisions as to vacation schools, health of school children, etc., in elementary schools.

13.—(1) The powers and duties of a local education authority under Part III. of the Education Act, 1902, shall include—

(*a*) power to provide, for children attending a public elementary school, vacation schools, vacation classes, play-centres, or other means of recreation during their holidays or at such other times as the local education authority may prescribe, in the schoolhouse or in some other suitable place in the vicinity, so far as the local education authority, in the case of a schoolhouse or place not belonging to them, can obtain for the purpose the use of the schoolhouse or place; and

(*b*) the duty to provide for the medical inspection of children immediately before or at the time of or as soon as possible after their admission to a public elementary school, and on such other occasions as the Board of Education direct, and the power to

make such arrangements as may be sanctioned by the Board of Education for attending to the health and physical condition of the children educated in public elementary schools:

Provided that in any exercise of powers under this section, the local education authority may encourage and assist the establishment or continuance of voluntary agencies, and associate with itself representatives of voluntary associations for the purpose.

(2) This section shall come into operation on the first day of January nineteen hundred and eight.

Distance from school no excuse for non-attendance when conveyance is provided. 39 & 40 Vict. c. 79.

14.*—(1) When a local education authority provide suitable means of conveyance for a child between a reasonable distance of its home and a public elementary school, it shall not be a reasonable excuse for the purposes of section seventy-four of the Elementary Education Act, 1870, or section eleven of the Elementary Education Act, 1876, that there is no public elementary school open which such child can attend within the distance of its residence prescribed by those sections or by any bye-law made under section seventy-four of the Elementary Education Act, 1870.

(2) For the purposes of paragraph (*c*) of subsection one of section eighteen of the Education Act, 1902, the county council may treat any expenses incurred by them in providing means of conveyance for teachers or children attending a public elementary school under subsection one of section twenty-three of the Education Act, 1902, in the same manner as they may treat the capital expenditure mentioned in the said paragraph (*c*).

Returns by councils having powers under Part II. of the Education Act, 1902.

15. Every council having powers under Part II. of the Education Act, 1902, shall give to the Board of Education such information with respect to the exercise of those powers as the Board may from time to time require.

Register of teachers. 62 & 63 Vict. c. 33.

16.—(1) Any obligation to frame, form, or keep a register of teachers under paragraph (*a*) of section four of the Board of Education Act, 1899, shall cease: Provided that it shall be lawful for His Majesty by Order in Council to constitute a registration council representative of the teaching profession, to whom shall be assigned the duty of forming and keeping a register of such teachers as satisfy the conditions

* As amended by 1918.

of registration established by the Council for the time being, and who apply to be registered.

(2) The register shall contain the names and addresses of all registered teachers in alphabetical order in one column, together with the date of their registration, and such further statement as regards their attainments, training, and experience as the Council may from time to time determine that it is desirable to set forth.

(3) Any Order in Council under this section may be revoked, altered, or added to by any subsequent Order.

(4) Such provision shall be made by Order in Council under this section as may appear necessary or expedient for transferring any funds or property held by the existing Teachers' Registration Council to the Registration Council to be constituted under this section and for winding up the business of the existing council and thereafter dissolving the council.

(5) The existing Teachers' Registration Council means the Teachers' Registration Council established by Order in Council made under paragraph (*a*) of section four of the Board of Education Act, 1899.

SCHEDULE.

Section 17.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
56 & 57 Vict. c. 42.	The Elementary Education (Blind and Deaf Children) Act, 1893.	The words "to the extent of not less than one third defrayed out of sources other than local rates or moneys provided by Parliament and are," in paragraph (*b*) of subsection (1) of section seven.
62 & 63 Vict. c. 33.	The Board of Education Act, 1899.	Paragraph (*a*) of section four.
63 & 64 Vict. c. 53.	The Elementary Education Act, 1900.	Section five.
2 Edw. 7. c. 42.	The Education Act, 1902.	The words "ordinarily resident in the area of the council," in subsection two of section twenty-three.

A.D. 1909.

EDUCATION (ADMINISTRATIVE PROVISIONS) ACT, 1909.

9 Edw. 7. Chapter 29.

Application of 2 Edw. 7. c. 42, sec. 17, to powers under other Acts.

1. The provisions of section seventeen of the Education Act, 1902, requiring that all matters relating to the exercise by a local education authority or council having powers under that Act of their powers under that Act shall stand referred to the education committee constituted under that section, and enabling the local education authority or council to delegate to the education committee so constituted any of their powers under that Act, shall apply not only with respect to the powers conferred on the local education authority or council under that Act, but also to any powers connected with education conferred by or under any other Act, scheme, or order, on the authority or council, expressly as a local education authority or as a council having powers under the Education Act, 1902, except the power of raising a rate or borrowing money.

Accounts of managers of a school provided under Part II. of 2 Edw. 7. c. 42.

2. Where any receipts or payments of money are entrusted by a council having powers under Part II. of the Education Act, 1902, to the managers of any school provided by them for the purpose of supplying education other than elementary, the accounts of those receipts and payments shall be accounts of the council under the Education Act, 1902, but the auditor of those accounts shall have the same power with respect to the managers as he would have if the managers were officers of the council.

Validity of undertakings by students on entering training colleges.

4. Where with a view to following the profession of teacher a person has, in pursuance of regulations made by the Board of Education, entered into an undertaking that he will, in consideration of any grant made by the Board in respect of his maintenance, education, and training, complete the course of education or training specified in the undertaking, and will subsequently follow the profession of teacher in the manner and for the period specified in the undertaking, and in the event of failure to do so will repay to the Board such proportion of the grants made by the Board as is specified in the undertaking, the undertaking shall be binding on him notwithstanding that he was an infant at the time when the undertaking was given, and any

sums repayable in accordance with the undertaking shall be recoverable as debts to the Crown.

Appropriation to other purposes of land acquired for educational purposes.

5. The council of any county, borough, or urban district may, with the consent of the Board of Education, appropriate any land held by them in their capacity as local education authority for any of the purposes of the council, otherwise than in their capacity as local education authority, approved by the Local Government Board:

Provided that the council shall not on any lands so appropriated—

(*a*) create or permit any nuisance; or

(*b*) sink any well for the public supply of water or construct any cemetery, burial ground, destructor, station for generating electricity, sewage farm, or hospital for infectious disease, unless, after local inquiry and consideration of any objections made by persons affected, the Local Government Board, subject to such conditions as they think fit, authorise the work or construction.

Proof of certificate under 62 & 63 Vict. c. 32, sec. 1, legal proceedings.

6. In any legal proceedings by a local education authority, the production of a certificate, purporting to be signed by a duly qualified practitioner approved by the Board of Education for the purposes of subsection three of section one of the Elementary Education (Defective and Epileptic Children) Act, 1899, to the effect that a child is defective or epileptic within the meaning of that section, shall be sufficient evidence of the facts therein stated, unless the parent or guardian of the child referred to in the certificate requires the medical practitioner to be called as a witness; but it shall be lawful for the parent or guardian to give evidence in proof that the certificate is incorrect.

LOCAL EDUCATION AUTHORITIES (MEDICAL TREATMENT) ACT, 1909.

A.D. 1909.

9 Edw. 7. Chapter 13.

Recovery by local education authority of cost of medical treatment. 7 Edw. 7. c. 43.

1. Where any local education authority provides for the medical treatment of children attending any public elementary school under section thirteen of the Education (Administrative Provisions) Act, 1907, there shall be charged to the parent of every child in respect of any treatment provided for that child such an amount not

exceeding the cost of treatment as may be determined by the local education authority, and in the event of payment not being made by the parent it shall be the duty of the authority, unless they are satisfied that the parent is unable by reason of circumstances other than his own default to pay the amount, to require the payment of that amount from that parent, and any such amount may be recovered summarily as a civil debt.

Franchise, etc., to be unaffected by failure of parents to pay.

2. The failure on the part of any parent to pay any amount demanded under this Act in respect of any medical treatment shall not deprive the parent of any franchise, right, or privilege, or subject him to any disability.

No obligation on parent to submit child to treatment.

3. Nothing in this Act shall be construed as imposing any obligation on a parent to submit his child to medical inspection or treatment under section thirteen of the Education (Administrative Provisions) Act, 1907.

Definition. 33 & 34 Vict. c. 75.

4. In this Act the word "parent" shall have the same meaning as in the Elementary Education Act, 1870.

EDUCATION (CHOICE OF EMPLOYMENT) ACT, 1910.

A.D. 1910.

10 Edw. 7 and 1 Geo. 5. Chapter 37.

Power of certain local education authorities to give assistance with respect to choice of employment. 2 Edw. 7. c. 42.

1.*—(1) The powers conferred upon the councils of counties and county boroughs as local education authorities under section two of the Education Act, 1902 (in this Act called the principal Act), shall include a power to make arrangements, subject to the approval of the Board of Education, for giving to boys and girls under eighteen years of age assistance with respect to the choice of suitable employment, by means of the collection and the communication of information and the furnishing of advice.

(2) The council of a county, and the council of a non-county borough or urban district within the county who are a local education authority under Part III. of the principal Act, may, as part of their powers under Part II. of that Act, enter into and carry into effect arrangements or agreements for the co-operation of the council of the borough or

* As amended by 1918.

district with the county council in respect of the exercise by the county council of their powers under this Act, either—

(*a*) by rendering to the county council such assistance as may be arranged or agreed ; or

(*b*) by exercising within the borough or district, on behalf of the county council, all or any of the powers of that council under this Act ;

and any such arrangement or agreement may, amongst other things, provide for the proportion in which the expenses incurred under it are to be borne by the councils respectively.

(3) The expenses incurred under this Act by any council (whether the council of a county, county borough, borough, or urban district) shall be defrayed as part of the expenses of that council under section two or section three of the principal Act, as the case may be.

ELEMENTARY EDUCATION (DEFECTIVE AND EPILEPTIC CHILDREN) ACT, 1914.*

A.D. 1914.

4 & 5 Geo. 5. Chapter 45.

Duty to provide for education of mentally defective children. 62 & 63 Vict. c. 32.

1.—(1) It shall be the duty of the local education authority for the purposes of the Elementary Education (Defective and Epileptic Children) Act, 1899 (herein called the principal Act) to make suitable provision, either alone or in conjunction with other local education authorities, for the education of children belonging to their area whose age exceeds seven years and who are ascertained to be mentally defective within the meaning of the principal Act, and accordingly after the words " they may " in subsection (1) of section two of the principal Act there shall be inserted the words " and in the case of mentally defective children whose age exceeds seven years shall " :

Provided that the duty of a local education authority under this Act shall not include—

(i) A duty to make provision for boarding and lodging a mentally defective child unless the Board of Education are satisfied, after considering the report of a

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* By 1918, sec. 20, references in this Act to mentally defective children shall be construed as including epileptic and physically defective children.

duly qualified medical practitioner approved by the Board under section one of the principal Act, and after consultation with the local education authority, that suitable provision for the child's education cannot be made in any other way, and unless the grants payable out of moneys provided by Parliament in respect of a mentally defective child, so boarded and lodged, amount to not less than one-half of the cost of conveying such child to and from any school so provided, and of educating, boarding, and lodging and medically attending and treating that child (including, in the case of a school provided by a local education authority, expenditure out of income by the authority by way of interest on or repayment of capital raised, or by way of rent or other similar payment, for the purposes of the provision of the school); or

(ii) A duty to establish a certified school for boarding and lodging mentally defective children, unless the Board of Education are satisfied, after considering the reports of such medical practitioners, and after such consultation as aforesaid, that there are not less than forty-five such children belonging to the area for whose education suitable provision cannot be made in any other way.

3 Edw. 7. c. 13.

(2) Subsection (6) of section two of the principal Act and the Elementary Education Amendment Act, 1903, are hereby repealed.

(3) In case of doubt as to whether a child is or is not mentally defective within the meaning of the principal Act, the matter shall be determined by the Board of Education.

Discontinuance of certified school.

2. In the event of a local education authority proving to the satisfaction of the Board of Education that the average attendance of mentally defective children at a certified class or school provided by such authority has, during the previous three years, been less than fifteen, it shall be lawful for such authority to discontinue the maintenance thereof, and thereupon the authority shall make such alternative provision for the mentally defective children belonging to their area as the Board of Education, after consultation with such authority, may approve.

Consultation of parents and co-operation with other authorities and persons.

3.—(1) A local education authority, before deciding what provision shall be made for the education of a mentally

defective child, shall endeavour to ascertain the wishes of the parents of the child and shall, so far as possible, give effect to their wishes.

(2) A local education authority, in the exercise and performance of their powers and duties under the principal Act and this Act, shall have regard to the existing supply of certified schools and classes, and shall, so far as possible, co-operate with other authorities or persons providing or having power to provide certified schools and classes.

Delegation of authority to the council of a county.

4. The council of a non-county borough or urban district having powers and duties under the principal Act and this Act may, at any time after the passing of this Act, by agreement with the council of the county in which the borough or urban district is situate, and with the approval of the Board of Education, relinquish in favour of that council any of those powers or duties, and in that case the powers or duties of the authority so relinquished shall cease, and the area of the authority shall, as respects those powers or duties, be part of the area of the county council.

Enforcement of obligations of parents of mentally defective and epileptic children.

5.—(1) If a local education authority are satisfied, after consultation with the parent of a mentally defective or epileptic child over seven years of age, that the parent is not making suitable provision for the child's education, they may require the parent of the child to send the child to a certified class or school suitable for the child, and, if he fails without reasonable excuse to do so, may by complaint apply to a court of summary jurisdiction for an order requiring the child to be sent to a certified class or school suitable for the child and willing to receive him, being either such as the parent may select, or, if he does not select a suitable class or school, then such class or school as the court thinks expedient, and such an order shall be a sufficient authority for the conveyance of the child to the class or school named in the order:

Provided that no order shall be made requiring the child to be sent to a certified class or school which is not within reach of the child's residence or to a boarding school without the consent in writing of the parent, unless it is proved to the satisfaction of the court that such consent is unreasonably withheld, or that the parent cannot be found, but consent shall not be deemed to be unreasonably withheld if withheld with the bona fide intention of benefiting the child:

Provided further that if the court shall refuse to make an order the court, unless for good cause it shall otherwise order, shall award costs to the parent, and the costs so awarded shall, unless some reason to the contrary appears, include such sum as compensation for the expense, trouble, and loss of time incurred in or incidental to his attendance at the court as to the court may seem just and reasonable.

(2) The provisions of this section shall be in substitution for, and not in addition to, the power of a court of summary jurisdiction, on an attendance order not being complied with, to order the child to be sent to an industrial school under section twelve of the Elementary Education Act, 1876, as applied by the principal Act.

39 & 40 Vict. c. 79.

(3) Nothing in this section shall be construed as affecting the power of a parent to withdraw a child from school on proof to the satisfaction of the local education authority that he will make suitable provision for the child's education in some other way.

Certification of children.

6. Section one of the principal Act shall be construed and have effect as if the following words were added at the end of subsection (3) of that section—

"Such duly qualified medical practitioner shall, if so directed by the local education authority, or, if he is so requested by the parent of the child, before giving a certificate under this section, consult the head teacher of the school, if any, which the child has been attending, or such other person as the local education authority may appoint for the purpose, and a copy of any report made by the head teacher or such other person shall be forwarded to the local education authority."

Return of certificate.

7. When a child is discharged from a special school or class on the ground that he is no longer mentally defective the local education authority shall return to the parent of the child any certificate certifying that the child was mentally defective, and such certificate shall not be received in evidence in any legal proceedings without the consent of the child or its parent.

Determination of residence.

8.—(1) For the purposes of the principal Act and this Act a child shall be deemed to belong to the area in which the residence or permanent home of the child is for the time being situate :

Provided that, in the case of a child in a school or boarded out in pursuance of the principal Act or this Act, the local education authority who are making provision for his education shall continue liable to make such provision pending the determination of any question which may be referred to the Board of Education under this section.

(2) If any question arises as to the area to which a child is to be deemed to belong, that question shall be determined by the Board of Education, and the Board on determining the question may direct such financial adjustments between the local education authorities concerned as they may consider just.

EDUCATION (PROVISION OF MEALS) ACT, 1914.

A.D. 1914.

4 & 5 Geo. 5. Chapter 20.

Extension of powers as to feeding of school children. 6 Edw. 7. c. 57.

1. A local education authority may, without any application to the Board of Education, spend out of the rates such sums as may be necessary to meet the cost of the provision of food under section three of the Education (Provision of Meals) Act, 1906, and accordingly in that section the words "apply to the Board of Education, and that Board may authorise them to," and from "provided that" to the end of the section, shall be repealed.

Act to apply both on days when the school meets and on other days.

2. The powers of a local education authority under the Education (Provision of Meals) Act, 1906, as amended by this Act, shall be exercisable in respect of children attending a public elementary school within their area, both on days when the school meets and on other days.

EMPLOYMENT OF CHILDREN ACT, 1903.

A.D. 1903.

3 Edw. 7. Chapter 45.

Power to make bye-laws for regulating the employment of children.

1. Any local authority may make bye-laws—

(i) prescribing for all children, or for boys and girls separately, and with respect to all occupations or to any specified occupation—

(*a*) the age below which employment is illegal; and

(*b*) the hours between which employment is illegal; and

(c) the number of daily and weekly hours beyond which employment is illegal:

(ii) prohibiting absolutely or permitting, subject to conditions, the employment of children in any specified occupation.

Power to make bye-laws for the regulation of street trading by person under sixteen.

2. Any local authority may make bye-laws with respect to street trading by persons under the age of sixteen, and may by such bye-laws—

(a) prohibit such street trading, except subject to such conditions as to age, sex, or otherwise, as may be specified in the bye-law, or subject to the holding of a licence to trade to be granted by the local authority;

(b) regulate the conditions on which such licences may be granted, suspended, and revoked;

(c) determine the days and hours during which, and the places at which, such street trading may be carried on;

(d) require such street traders to wear badges;

(e) regulate generally the conduct of such street traders:

Provided as follows:—

(1) The grant of a licence or the right to trade shall not be made subject to any conditions having reference to the poverty or general bad character of the person applying for a licence or claiming to trade;

(2) The local authority, in making bye-laws under this section, shall have special regard to the desirability of preventing the employment of girls under sixteen in streets or public places.

General restrictions on employment of children.

3.—(1) A child shall not be employed between the hours of nine in the evening and six in the morning: Provided that any local authority may, by bye-law, vary these hours either generally or for any specified occupation.*

(2) A child under the age of eleven years shall not be employed in street trading.*

(3) No child who is employed half-time under the Factory and Workshop Act, 1901, shall be employed in any other occupation.

(4) A child shall not be employed to lift, carry, or move anything so heavy as to be likely to cause injury to the child.

Amended by 1918, sec. 13 (1).

(5) A child shall not be employed in any occupation likely to be injurious to his life, limb, health, or education, regard being had to his physical condition.

(6) If the local authority send to the employer of any child a certificate signed by a registered medical practitioner that the lifting, carrying, or moving of any specified weight is likely to cause injury to the child, or that any specified occupation is likely to be injurious to the life, limb, health, or education of the child, the certificate shall be admissible as evidence in any subsequent proceedings against the employer in respect of the employment of the child.

General provisions as to bye-laws.

4.—(1) A bye-law made under this Act shall not have any effect until confirmed by the Secretary of State, and shall not be so confirmed until at least thirty days after the local authority have published it in such manner as the Secretary of State may by general or special order direct.

(2) The Secretary of State shall, before confirming any bye-law, consider any objections to it which may be addressed to him by persons affected or likely to be affected thereby.

(3) The Secretary of State may, before confirming any bye-law, order that a local inquiry be held with respect to the bye-law or with respect to any objections thereto. The person holding any such inquiry shall receive such remuneration as the Secretary of State may determine, and that remuneration and the expenses of the local inquiry shall be paid by the local authority making the bye-law.

(4) Bye-laws made under this Act may apply either to the whole of the area of the local authority, or to any specified part thereof.

(5) Bye-laws made by a county council shall not be of any force or effect within any borough or urban district the council of which is constituted a local authority under this Act.

(6) Bye-laws under the Prevention of Cruelty to Children Act, 1894, shall be made by the same authority and confirmed in the same way as bye-laws under this Act. 57 & 58 Vict. c. 41.

Limitation of time.

7. With respect to summary proceedings for offences and fines under this Act, and any bye-laws made thereunder, the information shall be laid within three months after the commission of the offence.

Definitions.

13. In this Act—

The expression " child " means a person under the age of fourteen years.

EXTRACTS FROM OTHER ACTS.

A.D. 1904.

PREVENTION OF CRUELTY TO CHILDREN ACT, 1904.

4 Edw. 7. Chapter 15.

Restrictions on Employment of Children.

Restrictions on employment of children.

2. If any person—

(*b*) causes or procures any child, being a boy under the age of fourteen years, or being a girl under the age of sixteen years, or, having the custody, charge, or care of any such child, allows that child to be in any street, or in any premises licensed for the sale of any intoxicating liquor, other than premises licensed according to law for public entertainments, for the purpose of singing, playing, or performing, or being exhibited for profit, or offering anything for sale, between nine p.m. and six a.m.; or *

(*c*) causes or procures any child under the age of eleven years, or, having the custody, charge, or care of any such child, allows that child to be at any time in any street, or in any premises licensed for the sale of any intoxicating liquor, or in premises licensed according to law for public entertainments, or in any circus or other place of public amusement to which the public are admitted by payment, for the purpose of singing, playing, or performing, or being exhibited for profit, or offering anything for sale; or *

(*d*) causes or procures any child under the age of sixteen years, or, having the custody, charge, or care of any such child, allows that child to be in any place for the purpose of being trained as an acrobat, contortionist, or circus performer, or of being trained for any exhibition or performance which in its nature is dangerous,

that person shall, on summary conviction, be liable, at the discretion of the court, to a fine not exceeding twenty-five

* Amended by 1918, sec. 13 (2).

pounds, or alternatively, or in default of payment of such fine, or in addition thereto, to imprisonment, with or without hard labour, for any term not exceeding three months:

Provided that—

(i) This section shall not apply in the case of any occasional sale or entertainment the net proceeds of which are wholly applied for the benefit of any school or to any charitable object, if such sale or entertainment is held elsewhere than in premises which are licensed for the sale of any intoxicating liquor but not licensed according to law for public entertainments, or if, in the case of a sale or entertainment held in any such premises as aforesaid, a special exemption from the provisions of this section has been granted in writing under the hands of two justices of the peace; and

(ii) Any local authority may, if they think it necessary or desirable so to do, from time to time by bye-law extend or restrict the hours mentioned in paragraph (*b*) of this section, either on every day or on any specified day or days of the week and either as to the whole of their district or as to any specified area therein; and

(iii) Paragraphs (*c*) and (*d*) of this section shall not apply in any case in respect of which a licence granted under this Act is in force, so far as that licence extends.

Licences for employment of children. 3 Edw. 7. c. 45.

3.—(1) A petty sessional court, or in Scotland the School Board, may, notwithstanding anything in this Act, or in the Employment of Children Act, 1903, or any bye-law made thereunder, grant a licence for such time and during such hours of the day and subject to such restrictions and conditions as the court or board think fit, for any child exceeding ten years of age—

(*a*) to take part in any entertainment or series of entertainments to take place in premises licensed according to law for public entertainments, or in any circus or other place of public amusement as aforesaid; or

(*b*) to be trained as aforesaid; or

(*c*) for both purposes;

if satisfied of the fitness of the child for the purpose, and if it is shown to their satisfaction that proper provision has

been made to secure the health and kind treatment of the children taking part in the entertainment or series of entertainments or being trained as aforesaid, and the court or board may, upon sufficient cause, vary, add to, or rescind any such licence.

Any such licence shall be sufficient protection to all persons acting under or in accordance with the same.*

(2) It shall be the duty of inspectors and other officers charged with the execution of the Employment of Children Act, 1903, to see whether the restrictions and conditions of any licence under this section are duly complied with, and any such inspector or officer shall have the same power to enter, inspect, and examine any place of public entertainment at which the employment of a child is for the time being licensed under this section as an inspector appointed under the Factory and Workshop Act, 1901, has to enter, inspect, and examine a factory or workshop under section one hundred and nineteen of that Act, and that section shall apply accordingly.*

1 Edw. 7. c. 22.

(3) Where any person applies for a licence under this section, he shall, at least seven days before making the application, give notice thereof to the chief officer of police for the district in which the licence is to take effect, and that officer may appear or instruct some person to appear before the authority hearing the application, and show cause why the licence should not be granted, and the authority to whom the application is made shall not grant the same unless they are satisfied that notice has been properly so given.†

(4) Where a licence is granted under this section to any person, that person shall forthwith cause a copy thereof to be sent to the local authority for the district in which the licence is to take effect, and if he fails to cause such copy to be sent shall be liable on summary conviction to a fine not exceeding five pounds †

(5) Nothing in this or in the last preceding section shall affect the provisions of the Elementary Education Act, 1876, or the Education (Scotland) Act, 1878, as amended by any later enactment.*

39 & 40 Vict. c. 79.
41 & 42 Vict. c. 78.

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* Amended by 1918, sec. 13 (2).

† These subsections will not apply to licences for series of entertainments, *see* 1918, sec. 13 (2) A.

INDEX

INDEX

PAGE

ACCOMMODATION, ... 34

ACCOUNTS, ... 91

ACQUISITION OF LAND. *See* Land.

ADVANCED COURSES, ... 20, 32, 43

AGE—

for compulsory attendance, . . . 30, 36, 102
limits, ... 20, 21
proof of, ... 104

AGRICULTURE, BOARD OF, ... 4

AGRICULTURAL RATES ACT, ... 87, 93

APPOINTED DAY, ... xvi.

APPRENTICING OF YOUTHFUL OFFENDERS AND CHILDREN 62

AREA, ... 6, 7

AREAS, UNION OF, ... 19

ART SCHOOLS AND CLASSES, ... 45, 99

ASSOCIATIONS, ... 48 *et seq.*

ATTENDANCE—

bye-laws as to, ... 101
certificate of, ... 104, 85 (Note)
continuation schools, ... 36
dates of commencing and terminating, . . . 20
mode of reckoning, ... 34
penalties, ... 102
place, at, other than school, . . 70, 22 (Note)

ATTENDANCE ORDER, ... 21

PAGE

AUDIT, ... 91-92

AUXILIARY HOMES, ... 58

AUXILIARY POWERS, ... 45 *et seq.*

BILLS, PROMOTING AND OPPOSING, ... 9

BLIND OR DEAF CHILDREN, ... 50 *et seq.*, 72

BOARD OF AGRICULTURE, ... 4

BOARD OF EDUCATION—

approval of bye-laws, ... 101
approval of schemes by 19
compulsory orders by, ... 10, 11, 12
consent by, ... 14, 23
constitution of, ... 1
decisions of, ... 3, 30, 92
grants by, ... 92 *et seq.*
officers, ... 1
powers, ... 2
publications, ... 2
regulations, ... 3, 31, 38
report, ... 2

BORROWING, ... 5, 6, 12, 90

BOROUGH COUNCILS, ... 5 *et seq.*

BOROUGH FUNDS, ... 89

BUILDINGS, ... 34

BURSARS AND BURSARIES, ... 47, 75, 97

BYE-LAWS, ... 22, 84, 86, 100

CANAL BOATS, CHILDREN ON, ... 105

CENTRES AND CENTRAL INSTITUTIONS, . 27, 107 (Note)

CERTIFICATE—

age, ... 104
attendance, ... 104

PAGE

Certificate—*continued.*

continuation schools, ... 38
evidence, ... 104
false, ... 103, 104
teachers, ... 75, 76

CERTIFICATED TEACHERS, ... 75, 76

CERTIFICATION OF DEFECTIVE AND EPILEPTIC CHILDREN 51

CERTIFIED EFFICIENT SCHOOL, ... 55, 58

CERTIORARI, ... 3

CHAIRMAN, ... 8

CHARITY COMMISSIONERS, ... 5

CHILD, ... xvi.

CHILDREN. *See* Education, Employment, Exemption, Medical Inspection, etc., etc.

CHOICE OF EMPLOYMENT, ... 47, 97

CLEANSING OF DIRTY AND VERMINOUS CHILDREN, . 73

CLOSING OF SCHOOLS, ... 25, 35, 53 (Note)

COMBINATION OF LOCAL EDUCATION AUTHORITIES, 6, 54, 66

COMMITTEES, ... 6-8

COMPENSATION TO DISPLACED OFFICERS, . . . 108

COMPULSORY ORDERS, ... 10, 11, 12, 107

CONFERENCES, ... 48

CONSCIENCE CLAUSE, ... 69

CONSULTATIVE COMMITTEE, ... 5

CONTINUATION CLASSES, ... 17, 35 *et seq.*, 70, 102

CONTRIBUTION—

education authority, by, ... 54
Exchequer, by, ... 65

PAGE

Contribution—*continued*.
guardians, by, ... 54
orders, ... 105
parents, by, ... 52, 53

CONTRACTS, ... 9

CONVEYANCES, ... 15, 46

CO-OPERATION OF LOCAL EDUCATION AUTHORITIES 6, 54, 66

CO-ORDINATION, ... 18

CORRESPONDENTS, ... 27, 33, 42

COUNCIL SCHOOLS. *See* Provided Schools.

COUNCILLORS, ... 7, 8

COUNTY COUNCILS. *See* Local Education Authorities.

COVENANTS, ... 12

CRIMINAL CHILDREN. *See* Reformatory and Industrial Schools.

CRIMINAL PARENTS, ... 60

CRUELTY, PROSECUTION FOR, ... 84, 103

CURRICULUM—
elementary schools, ... 31
continuation schools, ... 38
secondary schools, ... 40
advanced courses, ... 43

DANGEROUS PERFORMANCES, ... 86

DAY INDUSTRIAL SCHOOLS, ... 22, 58

DAY NURSERIES, ... 49, 95

DEAF CHILDREN. *See* Blind or Deaf Children.

DEFAULT BY EDUCATION AUTHORITY, . . . 16

DEFECTIVE AND EPILEPTIC CHILDREN, . 50 *et seq.*, 72

DEFICIENCY GRANTS, ... 93, 96

PAGE

DETENTION ORDERS, ... 61

DIRTY CHILDREN, ... 73

DISABLEMENT ALLOWANCES. *See* Pensions.

DISALLOWANCES, ... 93

DISMISSAL. *See* Teachers.

DISPUTES BETWEEN LOCAL EDUCATION AUTHORITIES AND MANAGERS, ... 16

DISQUALIFICATIONS, ... 7

DISTRIBUTION OF CHILDREN, ... 31

DISTRICT COUNCIL. *See* Local Education Authority.

DISTRICT FUND, ... 89

DOCUMENTS, ... 104

EDUCATION ACTS, ... xvi. *and* Appendix

EDUCATION AUTHORITY. *See* Local Education Authority.

EDUCATION, BOARD OF. *See* Board of Education.

ELEMENTARY EDUCATION—

- authority, ... 19
- compulsory powers, ... 20, 21, 22
- definition, ... 20
- general, ... 19 *et seq.*

(*See also* Part III. Authority.)

ELEMENTARY SCHOOLS, ... 19 *et seq.*

EMPLOYMENT OF CHILDREN, . 84 *et seq.*, 102, 103, 108

ENDORSEMENT OF CERTIFICATES, ... 75

ENDOWMENTS, ... 14, 88

EPILEPTIC CHILDREN. *See* Defective and Epileptic Children.

EVENING PLAY CENTRES, ... 46, 96

EVENING SCHOOL, ... 20, 45, 98

PAGE

EXEMPTION OF CHILDREN AND YOUNG PERSONS 20, 37, 51

EXPENDITURE OF LOCAL EDUCATION AUTHORITY 89 *et seq.*

FACTORIES, EMPLOYMENT IN, ... 85

FEEBLE-MINDED CHILDREN, ... 56

FEDERATIONS, ... 19

FEES, ... 41, 95

FREE ADMISSIONS, ... 43

FINANCIAL STATEMENTS, ... 91 (Note)

FOOD, PROVISION OF, ... 56

FRANCHISE. *See* Parents.

GOVERNORS OF SECONDARY SCHOOLS, . . . 42

GRANT REGULATIONS, . 3, 31 (Note), 40 (Note), 44 (Note), 49 (Note), 50 (Note), 67 (Note), 73 (Note), 74 (Note), 92 *et seq.*

GRANTS, ... 31, 35, 42, 55, 92 *et seq.*

GROUPING OF SCHOOLS, ... 30, 108

GUARDIANS, ... 54, 66, 88

HEAD TEACHERS, ... 32

HEALTH, MINISTRY OF, ... 4

HIGHER EDUCATION—

- authority, ... 5, 38
- definition 35
- grants, ... 96
- income and expenditure, ... 89
- powers, ... 39
- rate, ... 90

(*See also* Part II. Authority.)

HIGHLY-RATED AREAS, GRANTS TO, ... 93

HOLIDAY CAMPS, ... 46

PAGE

HOME SECRETARY, ... 4, 57 *et seq.*

HOMES, AUXILIARY, ... 58

IDIOTS, ... 56

IMBECILES, ... 56

INCOME OF LOCAL EDUCATION AUTHORITY, . . 87

INDUSTRIAL SCHOOLS. *See* Reformatory and Industrial Schools.

INFECTIOUS DISEASE, ... 73, 74

INJURIOUS EMPLOYMENTS, ... 85

INQUIRIES, PUBLIC, ... 105

INSPECTION OF SCHOOLS, . . 2, 23, 42, 43, 55, 58, 68, 70, 72, 90, 91, 36 (Note), 37 (Note)

INSPECTORS, ... 2, 32, 58, 70, 72

INSTITUTIONS FOR MENTALLY DEFECTIVE PERSONS, . 57

INSTITUTIONS FOR TRAINING PUPILS FROM SPECIAL SCHOOLS, ... 96

INSTITUTIONS, SCHOOLS ATTACHED TO, . . 27, 94

INSURANCE OF TEACHERS, ... 79

JOINT COMMITTEES, ... 6, 19, 91

LAND—

- acquisition, ... 10
- change of use, ... 13
- definition, ... 11
- disposal, ... 13
- voluntary schools, for, ... 13

(*See also* Compulsory Orders.)

LANDS CLAUSES ACTS, ... 12, 10 (Note)

LEGAL PROCEEDINGS, ... 103, 104

PAGE

LIABILITY—

of local education authority, ... 14
of managers, ... 15
of officers, ... 92
of teachers, ... 76

LICENCE. *See* Employment of Children, Reformatory and Industrial Schools.

LICENSED PREMISES, EMPLOYMENT IN, . . . 86

LOANS, ... 90

LOCAL AUTHORITY, ... 55, 57, 108

LOCAL EDUCATION AUTHORITY—

borrowing powers, ... 5
constitution, ... 5
co-operation of, ... 5
definition, ... 5
delegation of powers, ... 6
general powers and duties, . . . 9, 45 *et seq.*
income and expenditure, ... 87 *et seq.*
liabilities, ... 14
powers and duties as to—
continuation schools, ... 35 *et seq.*
elementary education, ... 20 *et seq.*
employment of children, . . . 84 *et seq.*
higher education, ... 39
medical inspection, etc., ... 72
mentally defective children, ... 56
nursery schools, ... 67
reformatory and industrial schools, . . 65
special schools, ... 53
voluntary schools, ... 25
promoting and opposing Bills, ... 9
protection for, ... 12
rating by, ... 90
(*See also* Part II. Authority, Part III. Authority.)

PAGE

LOCAL GOVERNMENT BOARD—
appeal to, ... 92
audit by, ... 91
consent of, ... 14, 90
decisions of, ... 89

LOCAL TAXATION, CUSTOMS, AND EXCISE ACT, 1890, . 87

LONDON, ... 107, 108

MAINTENANCE ALLOWANCES, ... 97

MAINTENANCE OF SCHOOLS, ... 25

MANAGERS—
appointment and dismissal of teachers by, . 29, 30
appointment of, ... 28, 107
disputes with Local Education Authority, . . 30
foundation, ... 28
general provisions as to, ... 27
liabilities, ... 15
meetings, ... 9
procedure, ... 9
provided schools, ... 28, 29, 30
qualifications, ... 28
representation of local authority, ... 8
secondary schools, ... 42
voluntary schools, ... 28
where necessary, ... 8

MANDAMUS, ... 3

MARINE SCHOOLS, ... 27, 94

MARRIAGE OF TEACHERS, ... 81 (Note)

MEALS, PROVISION OF, ... 46, 94

MEDICAL CERTIFICATE, ... 74

MEDICAL INSPECTION AND TREATMENT, . 16, 72 *et seq.*, 94

MEDICAL OFFICERS, ... 72, 73

MEETINGS, NUMBER OF, ... 34, 41, 44, 45

PAGE

MEETINGS. *See* Procedure.

MENTALLY DEFECTIVE CHILDREN, . . 51, 55 *et seq.*

MILITARY SERVICE, ... 83

MINES, EMPLOYMENT IN, ... 85

MINOR LOCAL AUTHORITY, ... 28

MINISTRY OF HEALTH, ... 4

MINUTES, ... 8

MONITORS, ... 35

MONMOUTHSHIRE, ... 107

MORAL IMBECILES, ... 56

MOTHERS, SCHOOLS FOR, ... 50, 95

NAUTICAL TRAINING, SCHOOLS OF, ... 99

NAVAL SERVICE, ... 83

NEGLIGENCE, ... 15, 76

NON-LOCAL EDUCATION AUTHORITY SCHOOLS, . 27 (Note)

NON-PROVIDED SCHOOLS. *See* Voluntary Schools.

NOTICES, ... 103, 104

NURSERY SCHOOLS, ... 69, 94, 95

OCCUPATIONS. *See* Employment.

OFFENCES, ... 102

OFFICERS, ... 1, 9, 106

OVERDRAFT, ... 91

PARENTS—

- contributions by, ... 46, 52, 53, 64, 88
- criminal, ... 60
- definition of, ... xvi., 65
- duties and liabilities, . . . 21, 22, 23, 38, 52
- employment by, ... 85

PAGE

Parents—*continued.*
offences by, ... 102, 103
rights, ... 16, 17, 53, 69 *et seq.*
saving of rights and franchises, . . . 47, 53, 74

PARISH—
charges on, ... 89
endowments, ... 88
of settlement, ... 67

PARISH COUNCIL, ... 28

PART II. AUTHORITY—
definition, ... xvi., 5
income and expenditure, ... 87 *et seq.*
powers of, . . . 35 *et seq.*, 38 *et seq.*, 46, 47, 48
schemes by, ... 18

PART III. AUTHORITY—
definition, ... xvi., 5
income and expenditure, ... 87 *et seq.*
powers of, . 19 *et seq.*, 38, 46, 47, 48, 50 *et seq.*, 57 *et seq.*, 67 *et seq.*, 84 *et seq.*, 105
representations by, ... 17
schemes by, ... 19

PENALTIES, ... 102, 103

PENSIONS FOR OFFICERS, ... 9

PENSIONS FOR TEACHERS—
1898 Act, ... 78
1918 Act, ... 79
average salary, ... 82
disablement allowances, ... 78, 79
grant, suspension, etc., of allowances, . . . 79
gratuities, ... 81
private schemes, ... 78
qualifying service, ... 80
recognised service, ... 80
recorded service, ... 79
superannuation allowances, ... 79, 81
war service, ... 83

PAGE

PERFORMANCES, LICENCES FOR, ... 86

PHYSICAL CAPACITY, ... 76, 79 (Note)

PHYSICAL TRAINING, ... 17, 32, 41, 46, 94

POOR REMOVAL ACT, 1846, ... 67

PRESS, ADMISSION OF, TO MEETINGS, ... 9

PROCEDURE, ... 8

PROVIDED SCHOOLS—
- definition, ... 25
- liability as to, ... 14
- maintenance, ... 25
- religious instruction in, ... 69, 71

PROVISIONAL ORDERS, ... 9

PUBLIC, ADMISSION OF, TO MEETINGS, ... 9

PUBLIC AUTHORITIES PROTECTION ACT, . . . 14

PUBLIC INQUIRIES, ... 105

"PUBLIC ELEMENTARY SCHOOLS," 26

PUBLIC WORKS LOAN COMMISSIONERS, . . . 90

PUNISHMENT, ... 76

PUPIL TEACHERS. *See* Student- and Pupil-teachers.

QUALIFICATIONS FOR COUNCILLORS, etc., . . . 7

QUALIFYING SERVICE. *See* Pensions.

QUORUM, ... 8, 9

RATEPAYERS, ... 8, 24, 42

RATES—
- calculation of, ... 93
- limitation of, ... 90
- purposes of, ... 90

RATING—
- powers of, ... 6, 90
- school property, ... 106

PAGE

"REASONABLE EXCUSE," 22, 23

"RECOGNISED SERVICE." *See* Pensions.

RECOGNITION, ... 35, 43

"RECORDED SERVICE." *See* Pensions.

RECREATION. *See* Physical Training.

REFORMATORY AND INDUSTRIAL SCHOOLS—

certification of, ... 58
contributions, ... 64, 65
definition, ... 58
detention orders, ... 61
discharge and transfer, ... 62, 63
escaping from, ... 63, 67
inspection of, ... 58
licensing, ... 62
managers, ... 59
offences, ... 63
probation, ... 62
religious instruction, ... 71
special schools, ... 58
who may be sent to, ... 59, 60

REGISTER, SCHOOL, ... 23

REGISTER OF TEACHERS, ... 5

RELIGIOUS BELIEF—

of parents and pupils, ... 69
of teachers, ... 29

RELIGIOUS INSTRUCTION, ... 20, 26, 69 *et seq.*

REPORTS ON SCHOOLS, ... 2, 43

RESEARCH, ... 18, 40

RETURNS, ... 2, 99, 100

SALARIES OF TEACHERS, ... 68, 33 (Note)

PAGE

SCHEMES—
- approval of, ... 19
- for co-operation, ... 6
- for Education Committees, ... 6
- representations as to, ... 17, 19
- under 1918 Act, ... 30 *et seq.*

SCHOLARSHIPS, ... 47, 97

SCHOOL BOARDS, TRANSFER OF POWERS OF, . . 9

SCHOOL CANTEEN COMMITTEE, ... 47

SCHOOL HOUSES, ... 24

SCHOOL TERMS, ... 20, 41

SCHOOL YEAR, ... 21, 35, 41, 36 (Note)

SCHOOLS—
- accommodation of, ... 34
- art, ... 45
- attached to institutions, ... 27, 94
- central, ... 27
- closing of, ... 25, 35, 53 (Note)
- Council, ... 23
- equipment, ... 34
- evening, ... 20, 44
- for mothers, ... 50
- grouping, ... 30
- higher grade, ... 27
- junior technical, ... 44
- list of efficient, ... 35, 43
- maintenance of, ... 25
- marine, ... 27
- new, ... 24, 107
- necessary, ... 24
- non-local education authority, ... 27
- nursery, ... 67
- outside area, ... 24, 107
- premises, ... 34
- provision of, ... 23

PAGE

Schools—*continued.*

public elementary, ... 26
recognition of, ... 35, 43
transfer of, ... 23, 24
unnecessary, ... 24
(*See also* Elementary Schools, Provided Schools, Reformatory and Industrial Schools, Secondary Schools, Special Schools, Voluntary Schools.)

SEA SERVICE, EMPLOYMENT IN, ... 37

SECONDARY SCHOOLS—

curriculum, ... 41
free admissions, ... 41
grants, ... 97, 98
management, ... 42
medical inspection, ... 72, 73
regulations, ... 41 *et seq.*
religious instruction, ... 70, 71

SERVICE OF NOTICES, etc., ... 104

SITES OF SCHOOLS, ... 10 *et seq.*, 24, 107

SOCIAL EDUCATION, ... 16, 45, 46

SPECIAL SERVICES, ... 93, 94

SPECIAL SCHOOLS—

certification of, ... 55
choice of, ... 56
classes of, ... 53
grants to, ... 96
provision of, ... 53
reformatory and industrial, ... 58
religious instruction in, ... 72

STAFF, ... 33, 41

STATUS, ... 76

STEP-PARENTS. *See* Parents.

STREET TRADING, ... 85, 86

PAGE

STUDENT- AND PUPIL-TEACHERS—
appointment and dismissal, ... 29
grants for, ... 97
on staff, ... 33
training, ... 75

SUB-COMMITTEE, POWER TO APPOINT, . . . 6, 8

SUBSTANTIVE GRANT, ... 93, 96

SUMMARY JURISDICTION, COURT OF, . 21, 22, 23, 52, 53, 59 *et seq.*, 103

SUPERANNUATION. *See* Pensions.

SUPERVISION OF CHILDREN AND YOUTHFUL OFFENDERS 62

SURCHARGE, ... 93

SUSPENSION OF CERTIFICATES. *See* Teachers.

SYLLABUS, ... 32

TEACHERS—
appointment and dismissal, ... 29, 33
certificated, ... 75
classes of, ... 75
diplomas, ... 76
endorsement of certificates, ... 75
liabilities, ... 76
managers, ... 33
members of authority, ... 7
of special subjects, ... 76
powers and duties, ... 76
punishment by, ... 76
religious belief of, ... 29
status, ... 76
supplementary, ... 76
supply of, ... 18, 47
suspension of, ... 76
training of, ... 47, 74 *et seq.*
uncertificated, ... 75
undertaking by, ... 75
(*See also* Pensions, Student- and Pupil-teachers.)

PAGE

TECHNICAL INSTITUTES, ... 39, 44, 98

TECHNICAL SCHOOLS, JUNIOR, ... 44, 98

TIME LIMITS FOR ACTIONS, ... 14

TIME TABLE, ... 32

TRAINING COLLEGES, CONTRIBUTIONS TO, . . . 99

TRAINING OF TEACHERS, ... 47, 74 *et seq.*

TRANSFER OF SCHOOLS, ... 23, 24

TREASURER, ... 91

TREASURY, ... 5

TRUSTS, ... 5

UNION OF EDUCATION AREAS, ... 6, 19

UNNECESSARY SCHOOLS, ... 24

UNIVERSITIES, ... 18, 40, 45

UNIVERSITY TUTORIAL CLASSES, . . . 45, 99

VAGRANT CHILDREN, ... 60, 65

VALUATION OF LANDS, ... 11, 12

VERMINOUS CHILDREN, ... 73, 74

VOLUNTARY ASSOCIATIONS, ... 48 *et seq.*

VOLUNTARY ATTENDANCE AT CONTINUATION CLASSES, ... 37 (Note)

VOLUNTARY SCHOOLS—

- acquisition of land for, ... 13
- grouping of, ... 30
- liabilities in case of, ... 15
- maintenance, ... 25
- managers, ... 28 *et seq.*
- property in, ... 30
- rating of, ... 106
- religious instruction, ... 26, 70, 71

PAGE

Voluntary Schools—*continued.*
rights and duties of local authority, . . . 25
special grants to, ... 95

VOTING, ... 8

WALES, ... 106, 107

WAR SERVICE. *See* Pensions.

WELSH INTERMEDIATE EDUCATION ACT, . 73, 106, 107

WOMEN ON EDUCATIONAL BODIES, ... 6

WORKMEN EMPLOYING CHILDREN, ... 86

YEAR. *See* School Year.

YOUNG PERSON, ... xvi.

YOUTHFUL OFFENDERS, ... 57 *et seq*

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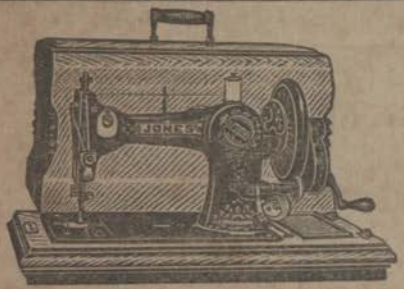

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